

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30794 of 2020

Arising Out of PS. Case No.-416 Year-2019 Thana- MANIHARI District- Katihar

=====

MUNNA @ SK. FAROOQUE @ SHEKH SARUK Son of Sk. Azim Resident
of Village - Dilarpur, P.S.- Manihari, District - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal (Sr. Advocated) with
	:	Mr.Dr. Bidhu Ranjan
	:	Mr.Ashok Kumar Jha
For the Opposite Party/s :	:	Mr.Ajay Kumar Jha (APP)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-01-2021

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Manihari P.S. Case No. 416 of 2019 for the offence punishable under Section 376 of the Indian Penal Code.

A complaint case has been filed by the complainant, which is the basis for registration of the F.I.R. The date of occurrence has been described as 10.02.2019, in respect of which, the complaint case was filed on 02.09.2019.

Learned Senior counsel appearing on behalf of the petitioner has submitted that there is no explanation for the delay of nearly seven months in lodging of the complaint case. He has further argued that earlier also the same complainant had



lodged a complaint case disclosing offence punishable under Section 376 of the Indian Penal Code, in which, cognizance has been taken under Section 354 of the Indian Penal Code. The said complaint case was filed after the petitioner's father had filed a Complaint Case No. 2719 of 2017, in which, family members of the complainant were made accused. He has further submitted that though there is allegation of rape in the complaint petition, the statement of the alleged victim recorded under Section 164 of the Cr.P.C., does not disclose commission of rape rather the allegation constitutes an attempt to commit rape.

Considering the facts and circumstances and the submissions advanced on behalf of the petitioner, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in Manihari P.S. Case No. 416 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

AKASH/-
(Chakradhari Sharan Singh, J)

U		T	
---	--	---	--

