

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47535 of 2015

Arising Out of PS.Case No. -53 Year- 2014 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Avinash Kumar Son of Pramod Choudhary, resident of village- Kasba,
Mehsi Khurkhur Chowk, P.S.- Mehsi, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :
For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Mehsi P.S. Case
No. 53 of 2014 dated 21.03.2014 instituted under Sections
363/366A/34 of the Indian Penal Code.

The allegation against the petitioner and two others is
of abducting the daughter of the informant and keeping her
confined.

Learned counsel for the petitioner submits that due to
village politics he has been framed as his sister and brother-in-law
run a school in the neighbourhood of the residence of the



informant and though the incident is alleged to have taken place on 12.01.2014 but the F.I.R. has been lodged only on 21.03.2014 for which there is no believable explanation. It is further submitted that even in the statement under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') the girl has specifically stated that the petitioner and others had not sexually abused her. Learned counsel submits that the petitioner has clean antecedent. Learned counsel has also drawn the attention of this Court to Annexure 3, which is copy of order dated 28.05.2015 in Cr. Misc. No. 17010 of 2015, by which a co-ordinate Bench of this Court has granted anticipatory bail to two co-accused.

Learned A.P.P. submits that the allegation against the petitioner is of giving biscuit to the victim girl who having eaten it became unconscious.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the IVth Judicial Magistrate, 1st Class, Sadar at Motihari in Mehsi P.S. Case No. 53 of 2014, subject to

the conditions laid down in Section 438(2) of the Code and further conditions: (i) That one of the bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner; (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released on bail; (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse; (iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delay the trial in any manner, his bail will be liable to be cancelled for reasons of misuse and (v) That the petitioner will be well represented on each date if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Ahsanuddin Amanullah, J)

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