

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45727 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -MAUZAHDIPUR District- BHAGALPUR

Banti Sah, Son of Rajesh Sah Resident of Mohalla - Kutubganj, Near
Mahadeo Talab, P.S. Mojahidpur, (Babarganj), District - Bhagalpur

..... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-10-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor.

This is an application for grant of regular bail on behalf of the petitioner who is an accused in Mojahidpur PS Case No. 72 of 2015 for the alleged offence under Section 366A of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 366A IPC is made out against him on the basis of the first information report and the statement of the victim recorded under Section 164 Cr.P.C. He contends that he was implicated by the informant on the basis of mere suspicion and the victim did not allege any assault – physical or sexual – in her statement under Section 164 Cr.P.C.

It has also been submitted that the petitioner has no criminal antecedent and the police after completion of investigation has already submitted final report.

In view of the submission as above and the fact that the petitioner is in custody since 23.5.2015, this application is allowed. Let the petitioner above-named 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 learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) PS Case No. 72 of 2015.

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.

(Chakradhari Sharan Singh, J)

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