

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40652 of 2014

Arising Out of PS.Case No. -1 Year- 2014 Thana -MAHILA PS District- EASTCHAMPARAN
(MOTIHARI)

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Naresh Yadav, son of Dwarika Yadav, resident of village-Pathkhauli
Bishunpurwa, Churiharwa, P.S.-Chautarwa, District-West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pathak Dhananjay Kumar

For the Opposite Party/s : Mr. Nand Kishor Pd., APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-03-2015

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 376/34 of the Indian Penal Code.

It is submitted by learned counsel appearing on behalf of the petitioner that as per the FIR vide Annexure-1, there is specific allegation of commission of rape against co-accused Mahendra Chaudhary, but so far this petitioner is concerned, though he is also named in the FIR, but he is not alleged to have even touched the informant. It is highlighted that in the statement of prosecutrix recorded under Section 164 Cr.P.C. vide Annexure-2 also so far this petitioner is concerned, he is not alleged to have participated in the crime in question. Only allegation against him is that he did not protest the crime being committed by co-accused Mahendra Chaudhary. It is also highlighted that the petitioner is not an accused in any other criminal case excepting the present one.

Though, learned State counsel has opposed the prayer, but he has not been able to dislodge the aforesaid submissions.

Taking into consideration the aforesaid aspects, the

prayer for grant of anticipatory bail of the petitioner is allowed. In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha Mahila P.S. Case No. 01 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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