

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4558 of 2015

Arising Out of PS.Case No. -349 Year- 2014 Thana -DALSINGHSARAI District- SAMASTIPUR

Dileep Sahani son of Late Neiger Sahani Resident of Village - Malpur, P.S.
Dalsingsarai, District - Samastipur (U.P.)

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Mr. Shakir Ahmad (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 21-05-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 376/511 of the Indian Penal Code and Section 8 of the Prevention of Children from Sexual Assault Act.

The informant made allegation against the petitioner that he took his daughter and niece in a field with an intention to outrage their modesty but the girls raised alarm and the petitioner fled away. Learned counsel for the petitioner submits that according to the allegation, the petitioner firstly offered rupees ten and caught the hands of the victims Mita Kumari and Sujita Kumari, but the petitioner did not make any attempt to outrage their modesty. It is submitted that on the same day, the petitioner

filed a complaint case making allegation that the victims uprooted Masagani plants of the petitioner and, that is why, this false case has been lodged. Now the case is compromised. The petitioner is an old man, aged about 65 years.

Learned A.P.P., on the other hand, opposed the prayer for anticipatory bail of the petitioner.

It appears that the informant made allegation against the petitioner that the petitioner tried to outrage the modesty of his daughter and niece but from perusal of the statements of both the girls, it appears that the petitioner only caught the hands of the victims and tried to take them inside the field. No attempt was made to outrage their modesty. The petitioner is an old man, aged about 65 years, as appears from the photographs affixed on the compromise petition as well as the complaint petition.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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 A.C.J.M., Dalsingsarai, District – Samastipur in Dalsingsarai P.S. Case No. 349/14, subject to the conditions as

laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

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(Prabhat Kumar Jha, J)