

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20186 of 2015

Arising Out of PS.Case No. -121 Year- 2012 Thana -GURUA District- GAYA

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Girja Mahto, S/o Deo Sharan Mahto, Resident of Village Sarai Tarn, P.S. Gurua, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.PP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 23-07-2015 Heard learned counsel for the petitioner and the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Gurua P.S. Case No.121 of 2012 for allegedly having committed the offences under Sections 364, 367, 504/34 of the Indian Penal Code and Section 3(1)(x) of the S.C./S.T. Act.

Learned counsel for the petitioner submits that though there is specific allegation against the petitioner, the victim boy after his return gave his statement under Section 164 Cr.P.C., in which he did not name this petitioner. Learned counsel for the petitioner further submits that the petitioner has no criminal antecedents.

With regard to the allegation under the provisions of

S.C/S.T. Act., learned counsel for the petitioner submits that the reference has been made purely to embellish and make the offence graver and preclude the petitioner from taking advantage of privilege of bail. It is further submitted that neither the occurrence took place in public view nor was it supported by any independent witness and thus the petitioner may be extended the privilege of anticipatory bail.

Considering the aforementioned facts and circumstances and the nature of allegations and also that the kidnapped boy has not named this petitioner, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, 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 Sri Rajesh Prasad, learned Judicial Magistrate, 1st Class, Sherghati, District-Gaya, in connection with Gurua P.S. Case No.121 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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