

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40236 of 2015

Arising Out of PS.Case No. -179 Year- 2014 Thana -BELA District- SITAMARHI

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Dipesh Kumar @ Dipesh Kumar Singh Son of Fulendra Thakur resident of
Village - Kanhwa, P.S. Bela, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 06-10-2015

Heard learned counsel for the petitioner and the State.

Petitioner is apprehending his arrest in connection with a case registered for the offence under Sections 341, 323, 364/34 of the Indian Penal Code in which after submission of the final form, bearing No. 137/14 dated 08.12.2014, cognizance has been taken for the offence under Section 365 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the occurrence is said to have taken place on 08.09.2014 when around 4:00 P.M. victim girl after attending the classes in Primary School, Kanhwa was returning along with her mother. It is further submitted that the Primary School, Kanhwa was closed on 08.09.2014 on account of Anant Chaturdashi and there was no

occasion for the victim girl to attend the classes in the school on that date and to return at 4:00 P.M. along with her mother, which fact was also verified during investigation of the case, whereafter final form was submitted.

Let petitioner appear in the court below within four weeks from the date of receipt/ production of a copy of this order in the court below and thereafter the court below will verify the aforesaid fact not only from the Headmaster of the concerned school, but also from the District Education Officer concerned and if that be true, petitioner above named be admitted to the privilege of bail, notwithstanding 164 Cr.P.C. statement of the victim girl, on furnishing bail bond of Rs. 5,000/- (Rs. Five thousand only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 179 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C., otherwise the court below shall be at liberty to consider the matter in accordance with law.

Until verification, no coercive steps be taken against the petitioner.

(V.N. Sinha, J.)

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