

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12542 of 2015

Arising Out of PS.Case No. -443 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Pramod Sah son of Mukhlal Sah, resident of village- Sripur Kawaiya, P.s.-
Ghorasahan, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 376/ 511 of the Indian penal Code as also under Section 27 of the Arms Act and Section 4 of Protection of Children from Sexual Offences Act, 2012.

Though the petitioner is named in the F.I.R., vide Annexure-1, as an accused, but taking into consideration the fact that the offence of rape was not committed and merely an attempt was made and further taking into consideration the fact that the petitioner is in judicial custody since 08.12.2014 and he is said to be the first offender, the prayer for bail is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Motihari in connection with Ghorasahan (Jharokhar) P.S. Case No. 443 of 2014, subject to the conditions that:

- (A) One of the bailors must be a government servant or close family member of the petitioner, who will file an affidavit in the court below showing

- (B)
- his/her relationship with the petitioner,
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 the 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 and
- (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 dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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