

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47941 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -SONBERSA District- SITAMARHI

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Sudhir Kumar @ Sudhir Kumar Sah Son of Sri Gauri Shankar Sah,
Resident of Village - Ghurghura, P.S.- Sonbarsa, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava

For the Opposite Party/s : Mrs. Anusaiya Jaiswal,APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-01-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 376 of the Indian Penal Code as also under Sections 4,5,8 and 10 of the Protection of Children from Sexual Offence Act, 2012.

By order dated 16.10.2015 passed by a Bench of this Court, carbon copy of the case diary was summoned. By the said order, the learned Court below was directed to send the statement of the victim girl- Chanda Kumari recorded under Section 164 Cr.P.C.

In compliance of the aforesaid order, the statement of the victim girl- Chanda Kumari recorded under Section 164 Cr.P.C has been sent by the learned 1st Additional Sessions Judge, Sitamarahi, which has been kept at Flag-A.

Taking into the consideration the fact that in her statement recorded under Section 164 Cr. P. C, the prosecutrix has given a complete go-by to the entire prosecution case and she has gone to say that she was not even touched by the accused person and further taking into the consideration the fact that she has stated before the Court that the present prosecution case is false and she

wants to withdraw the same, the prayer for anticipatory bail made on behalf 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-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Sitamarahi in connection with Sonbarsa P.S.Case No. 97 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the 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 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 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 an 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)

B.Tiwary/brajesh-III

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