

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11695 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -BANIAPUR District- SARAN

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Jai Ram Pandey Son of Radheshwar Pandey, Resident of Village-Kanhauli
Manohar , Police Station Baniyapur District Saran Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Murlidhar(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-03-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 366 and 366-A of the Indian Penal Code.

Though, the petitioner is named in the F.I.R, vide Annexure-1, as an accused, but taking into consideration the fact that the alleged victim Munni Kumari has been recovered and her statement under Section 164 Cr. P.C. was recorded, vide Annexure-2, wherein her age was assessed by the learned Magistrate to be aged about 18 years and further taking into consideration the fact that in her statement under Section 164 Cr. P.C. she has not alleged any criminal misbehaviour with her by any other accused much less by the petitioner and also taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

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 Chief Judicial Magistrate, Saran, Chapra, in connection with Baniyapur P.S.Case No. 11 of 2016, 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 shall be a government servant,
- (B). other bailor shall be one of the parents of the petitioner,
- (C). 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
- (D). 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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