

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52938 of 2016

Arising Out of PS.Case No. -136 Year- 2016 Thana -DHAMDHAHA District- PURNIA

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1. Rohit Kumar Son of Late Pappu Sharma Resident of Bardaila, P.S.
Dhamdaha, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner as well as

learned APP for the State.

The petitioner seeks anticipatory bail in connection
with Dhamdaha P.S. Case No. 136 of 2016 instituted for the
offences punishable under Section 366(A)/34 of the Indian
Penal Code.

The petitioner is named in the F.I.R.

It has been submitted on behalf of the petitioner that
from the perusal of the F.I.R. as well as the materials available
on record of the case, the only allegation against the petitioner
is that he was only sitting in the four wheeler (Bolero) along
with other co-accused persons. It has further been submitted
that even the statement of the girl recorded under 164 Cr.P.C.
has not named the petitioner before the police rather she has
named Hemant Kumar Mahto and Sarwesh Kumar.



Heard the learned APP also.

Having heard both sides, as there is allegation against the petitioner that he was also seen sitting in Bolero, I am not inclined to grant bail to him and accordingly, his such prayer stands rejected in connection with Dhamdaha P.S. Case No. 136 of 2016 pending in the court of learned Judicial Magistrate, 1st Class, Purnea. Let the petitioner surrender before the court below and the court below will verify the aforesaid fact of the statement of the girl under Section 164 Cr.P.C. and if the submission of the learned counsel of the petitioner, which is found to be true, the petitioner will be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the court below otherwise the learned court below is free to pass any order on the merits of the case without being prejudiced by the order of this Court.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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