

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6097 of 2016**

Arising Out of PS.Case No. -880 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Kanhaiya Kumar son of Nand Lal Ray, resident of Ratraha Bhartiya Nagar, Ward No. 27, Saharsa, P.S.- Saharsa, District- Saharsa

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Veena Kumari Jaiswal, Adv.

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

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**ORAL ORDER**

3      16-03-2016                      This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Kanhaiya Kumar, in connection with Saharsa (Sadar) Police Station Case No.880 of 2014, under Section 366(A)/34 of the Indian Penal Code and Section 8 of Protection of Children from Sexual Act, 2012.

Perused the above application and materials on record including the statement of the alleged victim girl, recorded under Section 164 Cr.P.C., which reveals that she had left her parental house on her own and not on being induced by the accused petitioner, as also a copy of the order, dated 24.09.2015, passed, in A.B.P. No. 653 of 2015, by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Saharsa, dismissing the said

application for pre-arrest bail.

Heard Mrs. Veena Kumari Jaiswal, learned Counsel for the petitioner, and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of the record does not reveal any such incriminating materials against the petitioner, which would warrant their custodial detention and interrogation, this Court is of the view that the petitioner has been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs.10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Saharsa (Sadar) Police Station, Saharsa. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Saharsa (Sadar) Police Station, Saharsa, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing

such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Saharsa (Sadar) Police Station, Saharsa.

Send also a copy of this order, forthwith, to the Superintendent of Police, Saharsa, by Fax.

**(I.A. Ansari, ACJ)**

K.C.jha/-

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