

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51975 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -JALALGARH District- PURNIA

1. Gopal Sah son of Late Jagdish Sah, resident of village- Harchandrapur,
P.S.- Jalalgarh, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in connection with Jalalgarh P.S. Case No.47 of 2015, registered for the offences punishable under Section 376-D/34 of the Indian Penal Code and under Section 3(iv)(v)(ix) of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act.

As per the allegation made in the complaint petition, the complainant was put to the physical sexual harassment by the petitioner and one Salim Ansari, on raising alarm by passers and villagers came there and came to know about the incident.



Learned counsel for the petitioner submits that the alleged offence is said to have been committed on 4.2.2015 but the complaint petition has been filed only on 27.2.2015 without disclosing the reason for the delay in lodging the complaint petition. He further submits that the case of the present petitioner and co-accused Salim Ansari stands on the same footing and said Salim Ansari has been granted anticipatory bail by this court in Criminal Miscellaneous No.30388 of 2015.

Looking to the nature of allegation and the delay in lodging the complaint petition, let the petitioner –Gopal Sah be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Jalalgarh P.S. Case No.47 of 2015, subject to the conditions that:-

- (i) one of the bailors will be a close relative of the petitioner;
- (ii) If the petitioner is found involved in similar type of case in future, the prosecution will be at liberty to make prayer for cancellation of his bail and the Court below will pass necessary order, including cancellation of bail and ;
- (iii) that the petitioner would participate in the court

proceeding and in the event of being absent on two consecutive dates without reasonable explanation, the court below will be at liberty to cancel the bail bonds of the petitioner.

(Shivaji Pandey, J)

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