

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7498 of 2016

Arising Out of PS.Case No. -377 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Bamwa @ Bam Sah @ Manohar Sah, S/o Baidh Nath Sah, Resident of
village- Juri Mian Ka Tola, P.S.- Shikarpur, Dist.- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Advocate

For the Opposite Party/s : Mr. Umesh Chandra Verma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 15-03-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Shikarpur P.S. Case No. 377 of 2015, disclosing offences under
Sections 363 and 366A of the Indian Penal Code.

Learned counsel for the petitioner submits that
inconsistencies in the First Information Report, statements of
victim recorded under Sections 161 and 164 of the Cr.P.C. creates
serious doubt over veracity of case of the prosecution. He submits
that the petitioner has no criminal antecedent and there is no
likelihood that he would be fleeing from the course of
investigation or trial if, granted anticipatory bail.

Learned counsel for the informant has opposed the
prayer for anticipatory bail, relying upon the specific statement of
the victim recorded under Section 164 of the Cr.P.C.

Be that as it may, considering the apparent inconsistencies between the prosecution version as contained in the First Information Report and the subsequent statement of the victim under Sections 161 and 164 of the Cr.P.C., this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 377 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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