

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18461 of 2017

Arising Out of PS.Case No. -122 Year- 2016 Thana -JALALGARH District- PURNIA

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Md. Imtiyaz Son of Md. Mumtaz, Resident of Village- Baluganj, P.S.
Jalalgarh, District Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-05-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in
Jalalgarh P.S. Case No. 122 of 2016 instituted for the offence
under Section (s) 376, 341, 323, 504, 506 of the Indian Penal Code
and Section 6 of the Protection of Children From Sexual Offences
Act.

As per written report, it is alleged that
informant found his daughter pregnant. On enquiry, she disclosed
that eight months earlier, this petitioner committed rape with her
but she did not disclose this fact to anybody since this petitioner
gave threat to her.

In this manner, from the written report itself, it



appears that no any complain was ever made by the victim girl about committing rape by this petitioner. It was only when the victim girl was found pregnant then she disclosed that eight months prior to her examination, this petitioner has committed rape with her.

It has been submitted on behalf of the petitioner that petitioner has falsely been implicated in this case only to give pressure to him.

In the facts and circumstances of the case, the prayer of the petitioner for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, within six weeks from today in connection with Jalalgarh P.S. Case No. 122 of 2016, arising out of Special Case No. 74 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Purnea, subject to the conditions as laid down under Section 438(2) of Cr.P.C with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable



reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Shageer/-

(Sanjay Priya, J)

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