

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41788 of 2017

Arising Out of PS.Case No. -262 Year- 2016 Thana -FATUHA District- PATNA

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1. Sudhir Rai @ Sudhir Yadav Son of Ram Naresh Yadav, R/o Village-Naya Tola, P.S.- Khusrupur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Fatuha P.S. Case No. 262 of 2016 instituted for the offence under Sections-366 of the Indian Penal Code.

It has been submitted that occurrence is said to have taken place on 24-06-2017 and the FIR has been lodged on 10-07-2017 i.e. after delay of 16 days. It is further submitted that there is no eye witness of the occurrence. Mere suspicion has been raised against this petitioner by the informant because earlier also, the daughter of the informant has gone traceless from the house and this petitioner has brought her to the house. It has further been submitted that daughter of the informant was of unsound mind, which has come in the statement of mother of the victim girl in her statement recorded at paragraph-6 of the case diary.



Learned APP has referred paragraph-44 of the case diary and submitted that there is statement of independent witness that four persons were taking away the daughter of the informant on motorcycle and she was raising hulla. But the witnesses have not taken name of the petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Fatuha P.S. Case No. 262 of 2016 to the satisfaction of Smt. Sabita Rani, learned Judicial Magistrate, Patna City, Patna subject to condition as laid down u/S 438(2) of the 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.

(Sanjay Priya, J)

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