

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38753 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -EKCHARI District- BHAGALPUR

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1. Pramod Yadav, Son of Tiwari Yadav,
2. Summi Mandal @ Sushir Mandal Son of Dashrath Mandal,
3. Ajay Mandal, son of Budhni Mandal
All are R/o Mohalla/Village- Luixmaniya, P.S.- Ekchari, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Ekchari P.S. Case
No. 9 of 2017 instituted for the offence under Sections 457, 380,
354/34 of the Indian Penal Code and Section 8 of POCSO Act.

It has been submitted that there is no specific allegation of
overt act against the petitioners. It has further been submitted that in
fact, the informant had lover affair with petitioner No. 1 and both are
known to each other.

In the written report it is alleged that while informant was
sleeping on the roof, these petitioners torn the cloth of the informant
and attempted to do illegal act with her.

From the written report itself it appears that there is general
and omnibus allegation against the petitioners.



Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Ekchari P.S. Case No. 09 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Bhagalpur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

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(Sanjay Priya, J)

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