

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40276 of 2017

Arising Out of PS.Case No. -124 Year- 2016 Thana -GOPALPUR District- PATNA

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1. Abhishek Kumar @ Nitish Kumar, son of Dilip Kumar Singh, R/o
Village- Daulatpur Gandhi Tola, P.S.- Gaurichak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

Mr. Surendra Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Gopalpur P.S.**

Case No.124 of 2016 instituted for the offence under Section(s)
428 and 307 Indian Penal Code.

Counsel for the petitioner has submitted that there is allegation that the victim girl was provided *Celphos* mixed with water by this petitioner on 11.08.2016 after which she became unconscious and her statement was recorded at NMCH on 13.08.2016 after delay of two days. Parents of the victim girl did not take trouble to inform the local police about missing of the girl.

Case diary has been received. Learned APP has submitted that there is mention in the case diary that she got treatment in hospital but there is no medical report of the victim



girl.

Counsel for the Informant has appeared. He has opposed prayer for bail and submitted that victim was treated in hospital.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Gopalpur P.S. Case No.124 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Patna**, 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) 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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