

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51044 of 2017

Arising Out of PS.Case No. -86 Year- 2017 Thana -PARAIYA District- GAYA

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1. Satish Kumar Pandey, Son of Kailash Pandey Resident of Village-Dakhner, P.S. Paraiya, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Paraiya P.S. Case No. 86 of 2017 instituted for the offence under Sections-376, 420, 379 & other minor Sections of the Indian Penal Code.

It has been submitted that no offence u/S 376 of the Indian Penal Code is made out. In this case, statement of victim has been recorded u/S 164 of the Cr.P.C. in which she stated that she has performed marriage with this petitioner. The statement of the victim has been annexed as Annexure-3 wherein she has stated that she has performed marriage with the petitioner. The victim in the statement u/S 164 Cr.p.C. has stated her age as 24 years whereas the court has also assessed her age 24 years.

From Annexure-2, it appears that compromise has taken place between the parties in the court below.



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 Paraiya P.S. Case No. 86 of 2017 to the satisfaction of Miss Shafali Narayan, learned Judicial Magistrate-Ist Class, Gaya 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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