

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39767 of 2017

Arising Out of PS.Case No. -239 Year- 2016 Thana -BIRPUR District- SUPAUL

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Jamshed

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Birpur P.S. Case No. 239 of 2016 instituted for the offence under Sections-366 & 376 of the Indian Penal Code and Sections-4/6 of POCSO Act.

It has been submitted that the victim girl, in her statement u/S 164 of the Cr.P.C. has stated that she has voluntarily gone with this petitioner to see the “Mela” and her family members have filed this case in misunderstanding. The victim in her statement u/S 164 of the Cr.P.C. has given her age to be 16 years and the court has assessed her age as 16-17 years.

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 Birpur P.S. Case No. 239 of



2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Birpur (Supaul) 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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