

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29753 of 2017

Arising Out of PS.Case No. -88 Year- 2016 Thana -MORKAHI District- KHAGARIA

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1. Chhotu Paswan, son of Ram Pravesh Paswan, Resident of Village-
Khutaha, P.S.- Morkahi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar No. 2

For the State : Mr. Sri Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and learned Addl.
Public Prosecutor for the State.

The petitioner apprehends his arrest in Morkahi P.S. Case No.
88 of 2016 instituted for the offence under Sections-376, 511/34 of the
Indian Penal Code.

Counsel for the petitioner has submitted that there is general
and omnibus allegation against the petitioner. Allegedly, the petitioner
attempted to commit illegal act with the victim girl. The victim was not
medically examined. The petitioner has clean antecedent.

In the written report, it is alleged that on the date of
occurrence, the petitioner caught hold the informant in the field where
she was working and attempted to commit illegal act with her. She
raised alarm. Thereafter, her brother came and saved her.

From the impugned order, it appears that the victim girl was



not medically examined. From the written report itself, it appears that the informant alleged that the petitioner attempted to commit illegal act with her in the field.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above in the event of his arrest/surrender in the court below within six weeks from today shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each in connection with Morkahi P.S. Case No. 88 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to condition that both the bailors should be close relatives of the petitioner subject to conditions 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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