

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37493 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -SURSAND District- SITAMARHI

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1. Shambhu Shankar Gupta, son of Kapil Shankar Gupta, resident of
Village - Bharwara, P.S. - Singhwara, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandni, daughter of late Bakrid, resident of Village - Bharwara, P.S. -
Singhwara, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Madhuri Lata, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 13-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

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

Case No.77 of 2017 instituted for the offence under Section(s)
363, 366, 376-D Indian Penal Code, 67A, 67B of the IT Act,
2000, and Section 30-A of the Bihar Prohibition & Excise Act,
2016.

Counsel for the petitioner has submitted that in the
written report victim has taken the name of this petitioner as
Shambhu Gupta, son of not known, and alleged that he along
with Kishori Sah had taken her to Nepal on motorcycle.
Thereafter, they committed illegal act with her.

Victim girl in her statement under Section 164 Cr.



P.C. has stated that two boys out of which one boy is named as Shambhu and she does not know the name of another person, got her down from the bus in Bharwara after sniffing handkerchief. Thereafter, she lost her memory and they took her to unknown place on a bike.

Counsel for the petitioner has submitted that petitioner is aged about 60 years, whereas, the victim girl has described that two boys had taken her and as such, there is apparent difference between the written report and the statement which she has made under Section 164 Cr. P. C.

Victim girl was medically examined and the doctor has not found any sign of rape.

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 **Sursand P.S. Case No.77 of 2017**, 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 **ADJ II-cum-Special Judge, Sitamarhi**, 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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