

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52130 of 2017

Arising Out of PS.Case No. -137 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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1. Umesh Kumar Jha @ Mahajan @ Umesh Jha Son of Ram Lochan Jha
Resident of village- Bardahi, P.S.- Babubarhi, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Babubarhi P.S.

Case No. 137/2016 instituted for the offences under Sections 366(A)/

34 of the Indian Penal Code and Section 4 of POCSO Act.

Learned counsel for the petitioner has submitted that

mere suspicion has been raised against the petitioner. The written

report has been lodged by the informant stating that she learnt that

the petitioner has kidnapped his minor daughter. The victim girl,

after recovery, gave her statement under Section 164 of the Cr.P.C.,

wherein, she has stated that Mangla brought her before this

petitioner, who kept her for 2 to 3 days with him. Thereafter, her

parents filed the case, and she was brought to the house. Compromise

petition has also been filed between the parties, vide Annexure-4.



Further, the girl has been medically examined, but there is no sign of rape.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Babubarhi P.S. Case No. 137/2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Madhubani, subject to the conditions as laid down under Section 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 tamper 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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