

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50262 of 2017

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1. Bansbihari Singh @ Dukhi Singh, S/o Ramanand Singh, R/o Village-
Kamepatti, P.S.- Ladaniya, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Smt. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 17-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

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

Case No.47 of 2017 instituted for the offence under Section(s)
376 Indian Penal Code.

Counsel for the petitioner has submitted that
occurrence is said to have taken place on 02.07.2016, whereas,
complaint was filed on 10.03.2017 on the basis of which case
was registered by the police on 05.04.2017.

It is alleged that on 02.07.2016, this petitioner
committed illegal act with the married daughter of the Informant,
who is dumb. It is further alleged in the complaint that when the
Complainant enquired from her daughter after seeing sign of
pregnancy on her body, then she disclosed that this petitioner has
committed rape with her on 02.07.2016.

Case diary has been received. There is no medical
examination report of the victim. It is mentioned in the



Complaint Petition that the victim is dumb, but she is married. Occurrence is said to have taken place on 02.07.2016, whereas, case was filed on 10.03.2017.

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 **Ladaniya P.S. Case No.47 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 **Additional Chief Judicial Magistrate, IV, Madhubani**, 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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