

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54401 of 2017

Arising Out of PS.Case No. -227 Year- 2017 Thana -KATIHAR District- KATIHAR

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1. Md. Hashim, Son of Habbu Miyan,
2. Bodha S/o Md. Hashm, Both the R/o Village- Sevanagar Baigram, Ward
No. 45, P.S.- Katihar, Distt.- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Town P.S. Case No. 227
of 2017 instituted for the offence under Sections-363, 365, 366, 376(D)
of the Indian Penal Code.

It has been submitted that mere suspicion has been raised in
the written report. The victim girl on recovery in her statement
recorded u/S 164 Cr.P.C. levelled specific allegation against co-
accused Kannu and Ladan of establishing physical relationship
with her. She has also stated in her statement that when she got
sense, she found herself before Kannu and Ladan. She has levelled
general and omnibus allegation against these petitioners of giving
her something to smell.

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 Town P.S. Case No. 227 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Katihar 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

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