

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54416 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -DAGARUA District- PURNIA

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1. Sairuddin, s/o Late- Satdharia
2. Aliman, w/o Sairuddin, both are resident of village- Daspattar, P.S.
Dagarua, Dist.- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Special Case No. 45 of 2016 arising out of Dagarua P.S. Case No. 77 of 2016 instituted for the offence under Sections 376 of the IPC and 3,4,6 of the POCSO Act, 2012.

From the fardbeyan, there is specific allegation against one of the co-accused Md. Fakira of establishing physical relationship with the informant, on account of which she became pregnant. Thereafter, he called her to his house and tried to give her medicine forcibly along with other accused persons.

It has been submitted on behalf of the petitioners that there is general and omnibus allegation against these petitioners and the specific allegation is only against Md. Fakira.

In such circumstances, prayer for anticipatory bail is



allowed and it is ordered that the petitioners, named above, in the event of their 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) each with two sureties of the like amount in connection with Special Case No. 45 of 2016 arising out of Dagarua P.S. Case No. 77 of 2016 to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Purnia 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 bonds of the petitioners and (3) if the 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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