

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32493 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -BHADAURA District- PATNA

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Dahan Mahto, Son of Arjun Mahto, Resident of Village- Mahmadpur, P.S.-
Bhadaur, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bhadaur P.S. Case
No. 73 of 2016 instituted for the offence under Sections 341, 323, 354,
354A and 504/34 of the Indian Penal Code.

It has been submitted that occurrence is said to have taken
place on 18.9.2016 at about 12 O'clock whereas the First Information
Report has been lodged on 19.9.2016 at 4:30 p.m. i.e. after delay of one
day. It has further been submitted that petitioner has falsely been
implicated in this case. There is no any occurrence committed by the
petitioner under Section 354 of the Indian Penal Code.

As per written report, the petitioner came in naked
condition and assaulted the informant and her daughter with fists and
slaps.

It is mentioned in paragraph-3 of the bail petition that



petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, 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 Bhadaur P.S. Case No. 73 of 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 learned Sub Judge-II cum Additional Chief Judicial Magistrate, Barh, 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.

S.Ali/-

(Sanjay Priya, J)

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