

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35597 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Akash Jha @ Vishwajit Jha, son of Amul Jha, resident of Village- Mahagama, P.S.- Mahagama, District- Godda (Jharkhand), at present resident in the House of Pawan Jha, Mohalla- Naya Bazar Aadampur P.S.- Aadampur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 30-08-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Tatarpur Police Station Case No. 105 of 2016, disclosing offences under Sections 366A/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the petitioner has been made accused in this case merely on the basis of suspicion, which is evident from F.I.R. itself. The instant F.I.R. has been lodged after lapse of four days from the date of occurrence. The victim girl in her statement recorded under Section 164 Cr.P.C. has



stated that she out of her sweet will went to Ranchi along with the petitioner and no specific overt act or sexual assault has been made by the petitioner. Therefore, no case under Section 366A of the Indian Penal Code is made out against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Tatarpur Police Station Case No. 105 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J.)

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