

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47945 of 2017

Arising Out of PS.Case No. -87 Year- 2017 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

=====

Munna Sahani @ Muna Sahni, S/o Deoraj Sahani, R/o Village- Bhopatpur
Tijoragarh, P.S.- Kotwa , District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.
For the informant : Mr. Vijay Shankar Shrivastava, Adv.
For the State. : Mr. Narsingh Tanti, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-12-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner apprehends his arrest in **Kotwa**
(Bhopatpur O.P.) P.S. Case No. 87 of 2017 instituted for the
offence under Sections 376, 511 of the Indian Penal Code and
Section 8 of POCSO Act.

Learned counsel for the petitioner has submitted that
occurrence has taken place on 23.5.2017 but the First Information
Report has been lodged on 25.5.2017 i.e. after two days of the
occurrence.

The informant has alleged in the written report that
petitioner took his daughter in Banswari and attempted to commit



illegal act with her. The victim girl in her statement under Section 164 Cr. P.C. has stated that the petitioner committed illegal act with her after tearing her Salwar.

The medical report of the victim girl is available in paragraph-41 of the case diary wherein the Doctor has only given opinion with regard to age of the victim girl, between 16-17 years. There is no mention whether illegal act has been committed or not.

The informant has appeared and opposed the prayer for anticipatory bail of the petitioner.

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 **Kotwa (Bhopatpur O.P.) P.S. Case No. 87 of 2017**, 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 **1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran**, 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)

U		T	
---	--	---	--

