

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23043 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -LAURIYA District- WEST CHAMPARAN
(BETTIAH)

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Chhote Mishra @ Prakash Mishra, Son of Late Ragho Sharan Mishra,
Resident of Village- Gobraura, Police Station- Lauriya, District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party/s : Mr. Binod Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Lauriya P.S.

Case No. 35 of 2016 instituted for the offence under Sections
366(A)/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
mere suspicion has been raised against him. The victim girl in her
statement under Section 164 Cr. P.C. has not levelled any
allegation against this petitioner.

From the written report it appears that the informant
has raised suspicion against the petitioner.

The statement of the victim as well as her cousin
sister recorded under Section 164 Cr. P.C. has been annexed as
Annexure-2 series wherein they have not taken the name of this



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 Lauriya P.S. Case No. 35 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 Additional Chief Judicial Magistrate-II, Bettiah, Distt. West 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.

(Sanjay Priya, J)

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