

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47935 of 2017**

Arising Out of PS.Case No. -194 Year- 2016 Thana -KOCHADHAMAN District- KISANGANJ

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Jamshed @ Md. Jamsed Son of Makba Kasab, R/o Village- Dubra, P.S.-  
Kochadhaman in the District of Kishanganj.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

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

For the Opposite Party/s : Mr. Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      04-12-2017                      Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with  
Kochadhaman P.S. Case No.194 of 2016 instituted for the offence  
under Sections 363, 366(A), 120(B)/34 of the Indian Penal Code  
and 6, 8, 12, 18 POCSO Act.

Learned counsel for the petitioner has submitted that  
there is error of record in the order of the Sessions Judge that all  
the accused including the petitioner committed rape upon the  
informant. The statement of the victim girl recorded under Section  
164 Cr.P.C. has been received along with case diary wherein she  
has levelled allegation of committing rape against Jamerul and  
Ajarul. In her statement under Section 164 Cr.P.C., the victim girl  
has not levelled any allegation of committing rape against 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, namely above, within six weeks from today, in connection with Kochadhaman P.S. Case No.194 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 Special Judge, Kishanganj, 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)**

N.H./-

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