

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31310 of 2018

Arising Out of PS.Case No. -396 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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Babulal Das, Son of Jhakho Yadav, resident of Village- Sajua, P.S.-
Asarganj, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha

For the Opposite Party/s : Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 09-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 396/2017 registered for offences
punishable under sections 307/34, 376 of the Indian Penal Code
and section 4 of the POCSO Act.

It is submitted that there is no allegation of rape against
this petitioner. As per FIR, the victim has alleged that this
petitioner and her father took away her at the bank of river to kill
her. The father of informant, who is one of the co-accused, has
been allowed anticipatory bail by one of the co-ordinate Bench of
this Court in Cr. Misc. No.18354/2018. The allegation against this
petitioner is similar to the case of co-accused who is on bail. The



petitioner is in custody since 30.11.2017 having clean antecedent and so he deserves to be enlarged on bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Bhagalpur in connection with Sultanganj P.S. Case No. 396/2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

Mahesh/-

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