

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3394 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -JHAJHA District- JAMUI

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1. Subhash Mandal, Son of Bhuneshwar Mandal, Resident of Village-
Loharniya Tand, P.S.-Jhajha, District-Jamui. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar

For the Opposite Party/s : Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with Jhajha
Police Station Case No. 105 of 2017 registered for the offence under
section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per written report, the specific allegation of
committing rape on the step sister of informant is against one
Prameshwar Mandal. The petitioner is neither named in the FIR nor
there is any allegation against him. It has been submitted that the father
of this petitioner and the father of the informant are cousin brother and
a land dispute was going on between them. Further submission is that
Title Appeal No. 31 of 2001 has been decided in favour of the father of
the petitioner and out of said land dispute, the victim has named this
petitioner after thought. The petitioner has clean antecedent and so he
deserves anticipatory 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 is allowed and the above named petitioner in the event of arrest or surrender before the learned court below within six weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Jhajha Police Station Case No. 105 of 2017, subject to conditions as laid down under section 438(2) Cr.P.C. with further conditions: (1) one of the bailors of the petitioner shall be local person having sufficient immovable property within the jurisdiction of the concerned Court, (2) the petitioner will not induce any witness or tamper with the evidence (3) the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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