

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39236 of 2018

Arising Out of PS.Case No. -167 Year- 2014 Thana -JALLEY District- DARBHANGA

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1. Md. Irshad Hussain @ Irshad Hussain S/o Sajjad Hussain, R/o Vill.-
Jalley, P.S.- Jalley, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 06-07-2018

Heard both sides.

The petitioner apprehends his arrest in Jalley P.S. Case No.167 of 2014 registered under Sections 354/34 of the Indian Penal Code.

The victim made allegation that while she was under treatment in the hospital, three persons namely Pawan Mahatha, Sunil Thakur and one unknown came and touched her body and private parts in order to outrage her modesty.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Name of the petitioner transpired in the case during the course of investigation. The informant is of questionable character. She earlier filed Pupri P.S. case No.121 of 2009 under Section 376 and 511 of the I.P.C. against Sunil Yadav. Pawan Mahatha, one of the named accused



has already been granted anticipatory bail vide order dated 14.05.2018 passed in Cr. Misc. No.22758 of 2018.

It appears that the informant did not name the petitioner in the F.I.R. but during the course of investigation, the informant herself disclosed in para 28 of the case diary as the person whom she could not identify at the time of occurrence but the informant did not disclose the facts that how she was acquainted with the informant later on, whereas she did not disclose the name of the petitioner in her fardbeyan.

Taking into consideration the facts aforesaid and the fact that the similarly situated accused Pawan Mahatha has already been granted anticipatory bail, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Jalley P.S. Case No.167 of 2014, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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