

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63465 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -MAHILA P.S. District- SEKHPURA

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1. Vivek Kumar, S/o Shankar Yadav @ Jai Shankar Prasad, Resident of Mohalla- Indai, Sheikhpura, P.S. and Distt.- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Sheikhpura (Mahila) P.S. Case No. 36 of 2017 instituted for the offence under Sections 363,366A,506,376(2)(g) of the Indian Penal Code and 67 (kha) of the Information and Technology Act, 2000 and 04 POCSO Act.

Learned counsel for the petitioner has submitted that he is not named in the FIR. In the written report, the informant has leveled specific allegation against Lalu and Raju who had taken her in a Bolero car by closing her mouth and eye to a lonely place and both have committed rape with her. The victim girl has given her statement under Section 164 Cr.P.C. which is enclosed as Annexure- 2 to this petition, wherein she has not taken the name of the petitioner. The name of the petitioner has surfaced in



confessional statement of co-accused Raju.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sheikhpura (Mahila) P.S. Case No. 36 of 2017, to the satisfaction of the learned Additional District and Sessions Judge, Sheikhpura, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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