

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63108 of 2017

Arising Out of PS. Case No.-74 Year-2017 Thana- KANHHAULI District- Sitamarhi

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1. Saroj Nayak @ Saroj Jayak son of Bindeshwar Nayak
 2. Baidyanath Mahto son of Ram Ekbal Mahto Both residents of village - Kanhauli, P.S. Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioners, learned APP for the State and the informant .

Petitioners apprehend their arrest in Kanhauli P.S. case no. 74 of 2017 instituted for the offence under Section(s) 341, 323,376 and 511/34 of the Indian Penal Code and Sections 7, 17 and 18 of the POCSO Act.

Learned counsel for the petitioners has submitted that the victim girl, in her statement recorded under Section 164 Cr. P.C., has stated that she could not identify both the petitioners. They were identified by her brother-in-law. The matter has now been compromised between the parties.

Learned counsel for the informant has also submitted that compromise has taken place between the parties.

In the facts and circumstances of the case, prayer of the



petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Kanhauli P.S. case no. 74 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District Judge-cum-Special Judge (POCSO Act), Sitamarhi, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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