

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22758 of 2018

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

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Pawan Kumar Mahatha @ Pawan Kumar Mehta, Son of Late Awadhesh Kumar Mahtha @ Awdhesh Kumar Mahta, Resident of Village- Jalley, P.S.- Jalley, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-05-2018

Heard learned counsel for the petitioner and the State.

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

It has been submitted that petitioner has clean antecedent. It has further been submitted that informant is in habit of filing such type of cases against different persons. She has filed similar case against Sunil Yadav vide Pupri P.S. Case No. 121 of 2009 which resulted in acquittal by judgment dated 3.5.2014.

In the instant case there is allegation that while 25-30 lady patients were sleeping in the room, the accused persons including petitioner attempted to commit illegal act with them.

Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that after investigation charge sheet has been submitted by



the police for the offence under Sections 354/34 of the Indian Penal Code.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Jalley P.S. Case No. 167 of 2014**, he shall be released on anticipatory 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**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if 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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