

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55820 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -MAHILA PS District- JEHANABAD

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1. Dharamvir Kumar Malhotra @ Dharamvir, son of Devi Dayal Choudhary, Resident of Village- Anuawan, P.S.- Banshi, District- Arwal.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Krishna Gupta, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mahila P.S.

Case No.06 of 2017 instituted for the offences under sections 376 and 120(B) of the Indian Penal Code and 4 of POCSO Act.

It has been submitted on behalf of the petitioner that the petitioner is not named in the F.I.R. The name of the petitioner has been taken by the victim girl in her statement recorded under Section 164 of the Cr.P.C.

In the written report, the victim girl has levelled specific allegation against Amresh Kumar of committing illegal act after taking her in the orchard. It is alleged that she was taken by Amresh Kumar along with Srikant Kumar on the motorbike. The victim girl in her statement under Section 164 Cr.P.C. has taken the name of this petitioner in last paragraph stating that the



petitioner was teacher of the school. He also used to misbehave with her, after catching hold her.

Considering the facts and circumstances of the case, let the petitioner above named in the event of surrender within six weeks from the date of receipt of this order, in connection with, Mahila P.S. Case No.06 of 2017 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 A.D.J.-1st, Jehanabad or his Successor, 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 co-operate 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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