

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18354 of 2018

Arising Out of PS.Case No. -396 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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1. Angad Das, Son of Late Dhoru Das, Resident of Village Sajua, P.S.-
Asharganj, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Sultanganj P.S.Case No. 396 of 2017 registered under
Sections 307, 34, 376 of the Indian Penal Code and Section 4 of
Protection of Children from Sexual Offences Act.

It is submitted by the learned counsel for the
petitioner that neither the allegation of rape nor any allegation of
penetrative sexual assault has been leveled against the petitioner in
the FIR and the FIR has mechanically been instituted by the
Officer-in-Charge of Sultanganj Police Station without looking
into the contents of the allegation. It is further submitted that from
the allegations leveled it cannot be said that even a case under
Section 307 of the Indian Penal Code is made out as there is no



intervening circumstances and if the petitioner intended to kill his daughter, he could have easily killed her, but neither any injury has been found on the person of the informant nor she was even examined medically.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioner. However, he concedes that there is no allegation of rape or penetrative sexual assault.

Having regard to the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhagalpur in connection with Sultanganj P.S.Case No. 396 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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