

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11181 of 2018

Arising Out of PS.Case No. -318 Year- 2017 Thana -NAUBATPUR District- PATNA

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Dharmendra Kumar, aged about 29 years, S/o Late Kapil Paswan, Resident of Village- Baliyawan, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kant Singh, Advocate.

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Naubatpur P.S.**

Case No. 318 of 2017, G.R. No. 3303 of 2017 instituted for the offence under Sections 376, 511 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is specific allegation in the written report against co-accused Dheeraj Kumar of attempting to commit rape with wife of the informant and when he failed to commit rape, he inserted iron rod in her private part. The wife of the informant succumbed to the injury.

In the written report it is alleged that this petitioner was accompanying with the aforesaid co-accused Dheeraj Kumar.

The learned Sessions Judge has mentioned in the impugned order that besides the allegation that petitioner was accompanying with the co-accused Dheeraj Kumar, there is no material



in the case diary against him that he was involved in the alleged occurrence.

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 **Naubatpur P.S. Case No. 318 of 2017, G.R. No. 3303 of 2017** 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 Additional Chief Judicial Magistrate-II, Danapur**, 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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