

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35597 of 2018

Arising Out of PS.Case No. -127 Year- 2017 Thana -SABAUR District- BHAGALPUR

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Fulchan Tanti, S/o Panchu Tanti, resident of Village- Chothariya,
Parghari, P.S.- Sabour, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravina Kumari, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Sabour (Bhagalpur) P. S. Case No. 127 of 2017 registered under
Sections 341, 323, 354(B), 504, 376, and 511 read with 34 Indian
Penal Code.

It is submitted by the learned counsel for the petitioner
that from perusal of the FIR itself, it would be manifest that
ingredients of non-bailable offences punishable under Sections
354-B and 376 of the Indian Penal Code would not be attracted
against the petitioner. She submitted that the entire allegation is
against accused Pintu Tanti. As far as the petitioner is concerned,
only allegation against him is that when he came along with local
people and saw accused Pintu Tanti and the informant in some



objectionable position, he abused the informant. The submission is that the allegation made against the petitioner, at best, would attract bailable offences.

Learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioner. However, he admits that so far as petitioner is concerned, there is no allegation that he either outraged the modesty of the informant or tried to commit rape upon her.

Considering the submission made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above 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 C.J.M Bhagalpur in Connection with Sabour (Bhagalpur) P.S. Case No. 127/17, 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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