

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46867 of 2017

Arising Out of PS.Case No. -61 Year- 2016 Thana -MAHILA P.S. District- NAWADA

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Harjit Prasad @ Harjit Kumar, Son of Sukhdeo Mahto, Resident of Village-
Kurhadih, P.S.- Sikandra, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 02-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Nawada P.S. Case No. 61 of 2016** instituted for the offence under Sections 366 (A), 376 of the Indian Penal Code and Section 4 of POCSO Act.

In the written report it is alleged that this petitioner along with another unknown person kidnapped the informant and after confining her in a room, committed illegal act with her from 26.11.2016 to 1.12.2016.

The statement of victim girl has been recorded under Section 164 Cr. P.C. wherein she has levelled specific allegation against this petitioner. She has stated her age in the statement recorded under Section 164 Cr. P.C. to be 17 years and the court has also assessed her age as 17 years.

Learned counsel for the opposite party No. 2 has appeared



and submitted that both parties have now married. In support of such marriage, a petition has been filed in the court below which has been enclosed as Annexure-3.

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 **Nawada Mahila P.S. Case No. 61 of 2016**, 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 Special Judge (POCSO Act), Nawada**, 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 their 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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