

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45081 of 2017

Arising Out of PS.Case No. -9 Year- 2012 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

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1. Sonu Kumar Son of Sri Sanjay Kumar, resident of Village/ Mohalla-
Daniyawar, P.S.- Daniyawar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Rajapakar P.S. Case No. 9 of
2012 instituted for the offence under Sections-363, 366A of the Indian Penal
Code.

It has been submitted that mere suspicion has been raised against
this petitioner by the informant.

It is alleged in the written report that this petitioner along with
one Monu used to telephone on the mobile phone of son of the informant and
wanted to talk with daughter of the informant Rekha Kumari.

Counsel for the petitioner has submitted that in paragraphs-10,
11 of the case diary, it has come in the statement of Jawahir Rai and Arun
Singh that the victim Rekha Kumari had love affairs with Deshraj.

The victim girl has given statement u/S 164 Cr.P.C. which is
available in paragraph-33 of the case diary wherein she has stated that she
was kidnapped by this petitioner along with Deshraj and Tinku. She was
taken by Deshraj on motorcycle to Hajipur. She has further alleged that all the
three persons committed illegal act with her. In medical examination, the



doctor has assessed her age 19-20 years. The doctor has further opined that she is habitual to sexual intercourse which act has been done with her consent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Rajapakar P.S. Case No. 9 of 2012 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to condition as laid down u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable cause 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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