

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1654 of 2018

Arising Out of PS.Case No. -96 Year- 2017 Thana -DIGHALBANK District- KISANGANJ

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1. Md. Alam S/o Gayasuddin, R/o Village- Dahibhat Kala, Dighalbank,
District- Kishanganj. Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 09-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Dighalbank P.S.

Case No. 96 of 2017 instituted for the offence under Sections
376,511,201/34 of the IPC and Sections 8/12 of the POCSO Act.

Counsel for the petitioner has submitted that
occurrence has taken place on 12.08.2017 and the FIR has been
lodged on 13.10.2017, i.e. after delay of about two months. The
informant has alleged in the written report that this petitioner took
his 7 years old daughter with intention to commit illegal act with
her and when the daughter of the informant raised hulla, the
petitioner left her and fled away.

It has been submitted that the informant learnt about
the occurrence by two boys in the village on 12.09.2017.
Thereafter, he enquired from his daughter and found the
occurrence true. In this manner, from the statement of the
informant in the written report, it appears that there is no complain
lodged by the daughter of informant about the occurrence. The



informant has learnt about the occurrence on 12.09.2017 from two boys of the village. The FIR has been lodged after two months of the alleged occurrence.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Dighalbank P.S. Case No. 96 of 2017, to the satisfaction of the learned Special Judge (POCSO Act), Kishanganj, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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