

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20405 of 2018

Arising Out of P.S.Case No. -74 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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Ajay Kumar S/o Lalan Mistri, R/o Village- Ratai Khajurbanna, P.S.-
Shakurabad, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Advocate

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 03-05-2018

Heard.

The petitioner apprehends arrest in connection with Mahila P.S.Case No.74 of 2016 registered for an offence under Section 506 and other sections of the IPC as well as Section 8 of the POCSO Act.

The informant in her written report submitted before SHO Jehanabad has alleged that on 22.11.2016 when she was going to appear in examination, this petitioner and two others intercepted. This petitioner pointed pistol and caught her hand. He demanded her identity card and also hurled threat as to why she had lodged a case earlier against him.

Learned counsel for the petitioner submits that the petitioner is Mukhiya and on account of local politics, the present



case has been lodged at the instance of his enemies. The allegation is omnibus and no offence is made out against him. In course of investigation, the witnesses have stated about the complicity of Md. Taufik only who is cousin of the informant and they had some affairs since before. None of the witnesses in course of investigation stated about the complicity of this petitioner in the above crime. The college staff has stated that one Md. Taufik, who is one of the accused, used to tease the informant since before the offence. The similarly situated co-accused, namely, Ajay Kumar has been allowed anticipatory bail by a coordinate Bench of this Court in Cr.Misc.No.20675 of 2018 and so the petitioner also deserves anticipatory bail.

The learned APP however opposed the prayer.

Considering the nature of allegation, facts and circumstances, prayer for anticipatory bail is allowed. Let the above named petitioner in the event of his arrest or surrender before the court below within six weeks from today 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 Ist Additional Sessions Judge, Jehanabad in connection with Jehanabad Mahila P.S.Case No.74 of 2016, subject to the condition as laid down under Section 438(2) of the



Cr.P.C.

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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