

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72959 of 2018

Arising Out of PS. Case No.-228 Year-2018 Thana- KADWA District- Katihar

Shankar Prasad Sah Son of LateThakur Prasad Sah Resident of Sonali
Bazar,P.S. Kadwa,Distt.,-Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava

For the Opposite Party/s : Sri Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kadwa P.S. Case No. 228 of 2018, disclosing offence under Sections 354 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel appearing for the petitioner has contended that there is some dispute between the petitioner and his brother and one of the cousins, namely, Dinesh Prasad Sah. Informant is the tenant of the said Dinesh Prasad Sah and in order to implicate the petitioner in this case, accusation has been made against him. She has also submitted, referring to the order passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Katihar, whereby the petitioner's application for



anticipatory bail was rejected, to submit that the victim in her statement under Section 161 of the Cr.P.C. has denied having recognized any person, who had committed offence.

Considering the above, this application is allowed. The petitioner, above named, in the event of his arrest or surrender before the Court within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Katihar, in connection with Kadwa P.S. Case No. 228 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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