

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39330 of 2018

Arising Out of PS. Case No.-5 Year-2016 Thana- CHAKAI District- Jamui

Awadh Das, S/o Sto Das @ Satya Narayan Das, R/o Gadi , P.S.- Chakai,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 366A and 376/34 of
the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 10.01.2016 submitted by Govind Das to the Station
House Officer, Chakai Police Station is to the effect that on
09.01.2016 at 10.00 A.M., the daughter of the informant,
namely, Manorama Kumari, went to R. K. Memorial School, but
she did not return. On search being made, she could not be
traced out. It is also alleged that earlier the daughter of the
informant was being teased by Rajesh Kumar Das on several
occasions for which a panchayati was also held. When the
informant went to the house of Rajesh Kumar Das to inquire



about his daughter then Nepal Das, the father of Rajesh Kumar Das and others abused him.

It is submitted by learned counsel for the petitioner that the FIR has been lodged with specific accusation against Rajesh Kumar Das. The petitioner is not named in the FIR, but his name sprang up at belated stage for the first time in paragraph no.33 of the case diary, as gets reflected from the impugned order. Moreover, on conclusion of investigation, the petitioner has not been sent up for trial, but differing with the final form, cognizance has been taken and process has been directed to be issued against the petitioner. Considering the same, co-accused Rajesh Kumar has been granted anticipatory bail vide Criminal Miscellaneous No.26498 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP that in the statement recorded under Section 164 of the Cr. P.C., the victim named several other persons, including the petitioner.

Considering the fact that the petitioner is not named in the FIR, nor suspicion was raised against him and his name sprang up in the case at belated stage. Moreover, he has not been sent up for trial and considering the same, co-accused have been



granted anticipatory bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Jamui, in connection with Chakai P.S. Case No. 05 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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