

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48893 of 2018

Arising Out of PS. Case No.-448 Year-2018 Thana- MASAUHRI District- Patna

Upendra Kumar @ Upendra Prasad S/o Late Ram Ishwar Prasad , R/o Vill.-
Salempur, P.S.- Karauna, District- Jehanabad, At present Sri Ram Seva Sadan,
Hospital Bairamchak, Masaurhi, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Mashaurhi P.S. case
no. 448 of 2018 instituted for the offence under Section(s) 354,
354A, 354B, 354(c), 376(D), 328, 501, 509, 506 and 420/120
of the Indian Penal Code and Section 67/67A of I.T. Act.

Learned counsel for the petitioner has submitted that
informant himself has stated that his daughter was treated in the
Sri Ram Seva Sadan Hospital by the petitioner about 13 months
back. His daughter had told him that at the time of treatment
some injection was given and she did not know what happened
thereafter. The informant alleged that on 18.6.2018 one video
got viral showing obscene photographs of the daughter of the



informant and then his daughter suspected that aforesaid video is act of this petitioner.

Learned counsel for the petitioner has submitted that victim has given her statement under Section 164 Cr P.C. wherein she has also made similar statement.

In this manner, from the written report as well as the statement of victim girl recorded under Section 164 Cr. P.C., it is manifest that victim has given a reference to an occurrence which had taken place 13 months back and that also she has stated that she went for treatment. During treatment some injection was given and she did not know what happened thereafter. Only suspicion has been raised against this petitioner. This case has been filed against the person who is running aforesaid Sri Ram Seva Sadan hospital with malicious and oblique motive.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Mashaurhi P.S. case no. 448 of 2018, he shall 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 the SDJM,



Mashaurhi Patna, subject to the conditions as laid down under Section 438(2) 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 reason will automatically cancel bail bond of the petitioner 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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