

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35856 of 2018

Arising Out of PS.Case No. -57 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Jyoti Kumar, son of Bechu Ram, R/o Village- Sukharipur, P.S. Sonhan,
District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bhabua Mahila P.S. Case No.57 of 2017** instituted for the offence under Section 354(B) of the Indian Penal Code and Section 8 of the POCSO Act.

Counsel for the petitioner has submitted that petitioner has been implicated in this case on account of land dispute. On 7.1.2015 the father of petitioner has filed informatory petition in the court of Chief Judicial Magistrate, Kaimur at Bhabua on suspicion stating that he and his family may be implicated in false case. Counsel for the petitioner has further submitted that in the instant case the informant has not mentioned any date of the occurrence nor has given any specific time of the occurrence.



In the written report it is alleged that in the morning at about 3:30 A.M. she along with her sister namely Hem Pushpa had gone to attend call of nature. The petitioner attempted to outrage her modesty.

Counsel for the State has submitted that during investigation petitioner was given benefit of provision of Section 41(1) Cr. P.C.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bhabua Mahila P.S. Case No.57 of 2017**, 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 learned **A.D.J. 1st, Kaimur, at Bhabua**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-
Rohit Kr.

(Sanjay Priya, J)

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