

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11783 of 2018

Arising Out of PS. Case No.-203 Year-2017 Thana- DESARI District- Vaishali

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1. Praveen Kumar
 2. Sunil Kumar both sons of Nagendra Singh Residents of Village Bhatta Dasi, P.S. Rajapakar, District- Vaishali . At Present Village- Ufraul, P.S. Desari, District- Vaishali.
 3. Prashant Kumar Son of Devki Singh Resident of Village- Ufraul, P.S. Desari, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Sri Rajballabh Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 27-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Desari P.S. case no. 203 of 2017 instituted for the offence under Section(s) 341, 323, 324, 376, 511 and 506 of the Indian Penal Code and Section 8/12 of the POCSO Act.

Learned counsel for the petitioners has submitted that no medical examination of the victim was done to assess her age whether she is minor or not. It has further been submitted that one Babi Singh and pattidar of the informant filed earlier a false case against the petitioner nos. 1 and 2 vide Desari P.S. case no. 188/2017.



In the instant case, there is allegation that these petitioner misbehaved with the informant and petitioner no.1 assaulted Ajay with knife.

Case diary has been received wherein injury report of the injured, namely, Ajay is mentioned in para 32. The doctor has found simple injury on his person.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Desari P.S. case no. 203 of 2017 , they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Special Judge, Vaishali at Hajipur, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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