

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40978 of 2018

Arising Out of PS. Case No.-872 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Nishant Kumar S/o Binod Shah, R/o Vill.- Kalyanpur, P.S.- Bibhutipur,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate
For the Opposite Party/s : Mr. Sri Nityanand Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with Bhagalpur
Kotwali (Jogsar) P.S. Case No. 872 of 2017 registered for the
offence punishable under Sections 354 (B), 379, 504, 506, 34 of
the Indian Penal Code read with Sections 11 (IV) and 16 (I) of
POCSO Act 2012.

The prosecution case, as lodged by the informant, is
that she was studying in Bhagalpur. The petitioner had bad
intention and was stalking her everyday. Ten days before, on
the date of occurrence, the petitioner caught her hand and tried
to kidnap her and also snatched her mobile and gold chain.

It has been submitted by the learned counsel for the



petitioner that he is a class XII student and the informant is a class XI student and both had love affair and subsequently, they parted ways and the present First Information Report is an outcome of the said broken love affair. He submits that the petitioner has been punished enough and is languishing in judicial custody since 28.05.2018. He undertakes to co-operate in the investigation and not to tamper with the prosecution witnesses.

Learned counsel appearing on behalf of the informant, however, opposes the prayer for bail as although there was a love affair but afterwards, when they had parted with each other, the petitioner started threatening her. Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st, Bhagalpur in connection with Bhagalpur Kotwali (Jogsar) P.S. Case No. 872 of 2017, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioner having sufficient



immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate with the investigation and will appear before the police/Court during trial as and when required failure of which will entail cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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