

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76639 of 2018

Arising Out of PS. Case No.-163 Year-2018 Thana- WARISNAGAR District- Samastipur

Omnath Goswami Son of Suresh Goswami Resident of Village-Bazi
Sakra,P.S. Sakra,Distt.-Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323,341, 354 & 354(A) IPC and Section 27 of the Information Technology Act, 2000 registered in connection with Warisnagar, P.S. Case No. 163 of 2018.

3. It is submitted that the petitioner has been falsely implicated and there is inordinate delay of 19 days in instituting the FIR on 02.07.2018 for the alleged offence of 13.06.2018. It is submitted that the ingredients of Section 67 of the I.T. Act has not been made out. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Samastipur, in connection with Warisnagar, P.S. Case No. 163 of 2018, subject to the conditions as laid down under Section 438 (2)



Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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