

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23348 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- KISHUNPUR District- Supaul

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PRADEEP KUMAR SAH @ PRADEEP Son of Mahadeo Sah, Resident of
Village-Shreepur Ward No.13 Sukhasan (part in Kishanpur), P.S-Kishanpur,
District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioner and learned APP for the
State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 366(A)/34 IPC registered in connection with
Kishanpur P.S. Case No. 106 of 2018.

3. It is submitted that the petitioner has been falsely implicated
and the petitioner has not been named in the FIR. The petitioner has
been named subsequently in an improvement of the prosecution story
by the so-called victim girl in her statement recorded under Section
164 Cr.P.C. more than two months after the institution of the FIR. There
is delay in institution of the FIR on 01.05.2018 for the alleged
occurrence of 27.04.2018. The victim girl has been recovered from her
mama's house and not from the petitioner, who claims clean
antecedents.

4. Learned APP opposes the anticipatory bail petition submitting
that co-accused Ranjan Paswan has been denied anticipatory bail by
this Court in Cr. Misc. No. 23317 of 2019.

5. This Court is of the view, however, that the petitioner cannot be
said to be similarly situated with co-accused Ranjan Paswan inasmuch



as the name of the petitioner has been taken for the first time by the informant in her deposition recorded much later on, whereas co-accused Ranjan Paswan has been named in the first instance in the FIR itself.

6. As such, 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, Supaul, in connection with Kishanpur P.S. Case No. 106 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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