

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38573 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- GHOSI District- Jehanabad

Jitendra Kumar @ Dhuri, Gender-Male, aged about 18 years, Son of Vijay Prasad, Resident of Village-Mani Bigha, P.S.-Ghosi in the district of Jehanabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate

For the Opposite Party : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 504, 354, 354(A) and 34 of the Indian Penal Code and Section 8 of the POCSO Act registered in connection with Ghosi (Okari) P.S. Case No. 55 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of village politics. The aunt of the petitioner, namely, Shakuntala Devi is a Ward Member of Ward No. 6 of village Mani Bigha who was supervising the construction of drainage of the village which was being obstructed by the informant Dinnath Prasad. The construction was completed after the petitioner's aunt approached the District Magistrate, Jehannbad for providing police force. It is submitted that even as per the accusation in the FIR, the petitioner is alleged to have merely held the hand of the informant's daughter and taken her to another place which per se is insufficient to attract the provisions of the offences alleged. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the



informant appears and opposes the bail petition.

5. Be that as it may, 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 Additional Sessions Judge-I, Jehanabad in connection with Ghosi (Okari) P.S. Case No. 55 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with 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 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.

(iv) That the petitioner shall cooperate 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.

(Vikash Jain, J)

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