

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54883 of 2018

Arising Out of PS. Case No.-540 Year-2017 Thana- JAGDISHPUR District- Bhagalpur

Dharam Tanti @ Dharam Kumar Son of Dashrath Tanti, Resident of Village-
Fatehpur, Police Station- Jagdishpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4. 18-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Jagdishpur P.S. Case No. 540/2017 registered under Sections 341, 323, 363, 366, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in course of investigation the statement of the mother of the victim girl has been recorded in paragraph-8 of the case diary. She has made statement that one Chandan Kumar who happened to be the cousin brother of this petitioner was giving tuition to the victim girl. About 15 days back when her daughter came back after study, one mobile phone was found in her possession, on asking as to how the mobile phone had come to her, she had disclosed that Chandan had given her the mobile phone.



It is further stated in the case diary that the mother of the victim girl had tried to convince the boy Chandan, but on 10.11.2017 allegedly when the victim girl had gone outside her house to meet the call of nature, she was taken away by Chandan Tanti and this petitioner has been named by mother of the victim girl. However, on query raised to her as to how she came to know about the name of this petitioner she could not give any satisfactory explanation.

Learned counsel submits that so far as this petitioner is concerned, he happened to be the cousin brother and is living separately in mess and business with his family.

On the other hand, learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner. In the case diary however no material could be brought to the notice of this court to demonstrate that any cogent evidence has been collected so far to connect this petitioner in the present case.

In the facts and circumstances of the case, on perusal of the case diary and taking note of the statement of the mother of the victim girl, this court is of the considered opinion that in case of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen



Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. - 1st, Bhagalpur, in connection with Jagishpur P.S. Case No. 540/2017, subject to condition that petitioner shall join investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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