

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67419 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- MAHILA PS District- Katihar

Umesh Murmu, Son of Sanju Murmu, Resident of Village - Bari Santhali
Tola, Chhohar, P.S. Falka (Pothiya), District - Katihar

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the Opposite Party : Mr. Chandrasen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 18-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363, 376, 323 and 506/34 of the Indian Penal Code and Section 4 of the POCSO Act registered in connection with Mahila P.S. Case No. 23 of 2018.

3. It is submitted that the petitioner has been falsely implicated as the first information report has been instituted after inordinate delay on 03.07.2018 and the informant's daughter was brought back by the petitioner's father on 13.05.2018. The informant did not file any FIR when her daughter said to have been taken away by the petitioner three months prior thereto. The first information report has been instituted in retaliation to earlier complaint bearing Complaint Case No. 1088 of 2018 filed by the mother of the petitioner on 28.05.2018 in which she has alleged that rape was committed upon her by the informant's husband. However, a perusal of paragraph 22 of the case diary discloses that according to the medical examination, her age was assessed to be 15-17 years. The petitioner claims clean antecedents.



4. Learned APP opposes the anticipatory 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 District Judge 1st-cum-Special Judge, Katihar in connection with Mahila P.S. Case No. 23 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. 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)

BT/Chandran

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