

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48930 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- VALMIKINAGAR District- West
Champaran

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1. UPENDRA KUMAR Son of Ghanshyam Mahto @ Ghanshyam Prasad
Resident of Village - Sakhuanwa, P.S.- Valmikinagar, District - West
Champaran
 2. Nitish Kumar @ Nitesh kumar Son of Late Chhatradhar Mahto Resident of
Village - Sakhuanwa, P.S.- Valmikinagar, District - West Champaran
 3. Sunil Kumar Son of Shankar Mahto Resident of Village - Sakhuanwa, P.S.-
Valmikinagar, District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP
For the Informant	:	Mr. Suresh Prasad Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioners and learned
APP representing the State as also for the informant.

The petitioners in this case are seeking anticipatory
bail in connection with Valmikinagar P.S. Case No. 22 of 2019
registered for the offences punishable under Sections 341, 323,
354(A), 354(B), 506/34 of the Indian Penal Code and Section 8
of POCSO Act.

Learned counsel for the petitioners submits that from
a bare reading of the allegations made in the written complaint
giving rise to the present case, it would appear that in the
written complaint neither any date of alleged occurrence has



been stated nor any overt act has been specifically alleged against these petitioners. It is submitted that the allegation that six persons had come near the informant when she had gone to ease out in the evening at 7:00 p.m. and then the informant was able to get out of their hand and fled away to her house is not believable.

Learned counsel for the petitioners submits that co-accused Vijay Kumar has been granted privilege of anticipatory bail by this Court vide order dated 05.11.2019 passed in Cr. Misc. No. 50384 of 2019 and case of the petitioners is similar to that of co-accused.

Learned counsel for the State and learned counsel representing the informant opposed the prayer of anticipatory bail.

Considering the facts and circumstances of the case where this Court has granted privilege of anticipatory bail to the co-accused and that these petitioners have no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Valmikinagar P.S. Case No. 22 of 2019 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I-



cum-Special Judge, Bettiah, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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