

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50384 of 2019

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

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VIJAY KUMAR Son of Indradev Mahto Resident of Village - Sakhuanwa,
P.S.- Valmikinagar, Distt - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-11-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner in this case is 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 petitioner 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 this petitioner. 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 submits that in the end of the written complaint the name of the petitioner has been mentioned as one of the accused connected with the occurrence but there is no allegation that this petitioner had committed any act or had caught hold the informant, therefore, considering the fact that the petitioner who has just attained his majority and is a student having no criminal antecedent may be granted privilege of anticipatory bail.

Learned counsel for the State has after going through the case diary submitted that in course of investigation though no specific material has been collected against the petitioner and no independent evidence has come against him, during pendency of this application the petitioner has been declared absconder which fact has come in the case diary.

Having heard learned counsel for the petitioner and learned counsel for the State, considering that the petitioner has no criminal antecedent, he is said to have just attained the majority and in the first information report and case-diary there is no specific allegation against him as also that the petitioner has been declared absconder only during pendency of the application of the petitioner when he was seeking his remedy before this Court,



let the petitioner above named in the event of his 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) 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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