

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65938 of 2019

Arising Out of PS. Case No.-24 Year-2018 Thana- HABIBPUR District- Bhagalpur

=====

KULKUL TANTI @ BULBUL TANTI Son of Mahesh Tanti Resident of
Village-Jarlahi, P.S-Mojahidpur, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. P.K. Sinha Ms. Preety Kunwar
For the State	:	Mr.Ramchandra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 511, 354-B, 506 and 323 of the Indian Penal Code, including Section 4 of the POCSO Act, registered in connection with Habibpur P.S.Case No. 24 of 2018 (G.R. No.716 of 2018).

3. It is submitted that the petitioner has been falsely implicated in a complaint based FIR in connection with the alleged attempted rape on the informant's daughter. It is submitted that the thrust of the accusation is against other co-accused, while the accusation against the petitioner is general and omnibus. There is considerable delay of 41 days in filing



the complaint on 23.12.2017 for the alleged occurrence of 12.11.2017. After due investigation, the police submitted the final form, but cognizance has been taken only upon the protest petition being filed. The complaint has been filed in retaliation to Mojahidpur P.S.Case No. 318 of 2017 dated 22.10.2017, lodged by Kallu Tanti, father of Dipak Tanti, against the complainant-informant and others in which charge sheet has been submitted. The petitioner claims clean antecedents.

4. Be that as it may, in the event of petitioner's arrest or surrender before 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 the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Bhagalpur in connection with Habibpur P.S.Case No. 24 of 2018 (G.R.No.716 of 2018), subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following 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 co-operate 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.

(iv) 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.

(Vikash Jain, J)

HR/-

U		T	
---	--	---	--

