

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60430 of 2021

Arising Out of PS. Case No.-126 Year-2005 Thana- JHAJHA District- Jamui

Harinandan Das Son Of Mohan Das Resident Of Village - Parasi, P.O. -
Chain, P.S. - Jhajha, District- Jamui.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section
366(A)/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation in
the F.I.R. is that three accused persons including the petitioner
had taken the daughter of the informant, when they had gone to
take bath.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case. It is
next submitted that police after investigation submitted final
form, but the learned Court below differing with the police



report took cognizance of the offence against the petitioner also. It is next submitted that since final form exonerating the petitioner was submitted by the police, as such, the petitioner was anguished that now, he has been exonerated from the case, but the learned Court below differing with the police report took cognizance of the offence against the petitioner also. It is next submitted that petitioner was not aware that cognizance against him has been taken, as such, he could not seek his remedy available in law at the time when cognizance was taken. It is next submitted that on account of non-appearance of the petitioner in the case, process under Section 82 of the Cr.P.C. was issued and the petitioner was declared absconder in the Year 2018. It is next submitted that petitioner, against the order declaring him absconder, moved before the learned Sessions Judge by filing a Criminal Revision No.83 of 2021, which was allowed by order dated 18.08.2021 and thereafter, the petitioner again is availing his remedy available in law by filing anticipatory bail application.

The learned counsel next submits that since one investigating agency after threadbare investigation found the petitioner innocent and learned Court below based on the same case diary by which the petitioner was exonerated, has taken



cognizance of the offence against him.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jhajha P. S. Case No.126 of 2005, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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