

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49851 of 2015

Arising Out of PS.Case No. -223 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Ramjee Choudhari Son of Nanhaku Choudhary R/o Village Panjraw, P.S.
Nuaon, District Kaimur at Bhabhua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 06-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 337, 504, 506, 354/34 of the Indian Penal Code and that there seems to be some semblance of truth in the allegation made by the informant that she and her daughter were sought to be abused and threatened for being outrage of modesty of the daughter by the petitioner along with one Pintu Choudhary who are said to be also pelting stones on the house of the informant, this Court, by taking into account that the informant also had filed a petition for indecent behavior of Pintu Choudhary and his brother Rakesh Choudhary before the Superintendent of Police, is not inclined to grant privilege of anticipatory bail to the petitioner though he claims to have no criminal antecedent.



Learned counsel for the petitioner in fact has submitted that there may be something between Pintu Choudhary and his brother Rakesh Choudhary and the informant and/or her daughter but the petitioner has got no connection whatsoever as would also evident from the Case Diary.

Considering all these submissions, this Court would grant privilege of anticipatory bail to the petitioner only on one condition that the petitioner, at the time of surrendering, shall give a written undertaking that he will not in future do anything to insult/outrage the modesty of the informant and/or her daughter and if he does so, the court below, on verification of such complaint made by the informant, shall cancel the bail, being granted to the petitioner by this order.

That being so, if the petitioner, namely, Ramjee Choudhari surrender before the court below within a period of four weeks from today and submit the aforesaid written undertaking, he shall 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Ramgarh (Nuaon) P.S. Case No. 223 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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