

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37453 of 2014

Arising Out of PS.Case No. -1206C Year- 2013 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Shital Prasad @ Chhotak Kalwar son of late Shiv Narayan Prasad, resident
of village Bara Kharauni P.S. Bihia Dist. Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. Rajeshwari Devi W/o Ram Padarath Sharma R/o village +Post Bara
Kharauni P.S. Bihia Dist. Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Swaroop Dubey

For the Opposite Party/s : Mr. Dasrath Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 23-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in connection with complaint case no. 1206 C of 2013 registered under Sections 456,376 and 511 of the IPC alleging that the petitioner scaled over the roof and entered into the room of the complainant and made attempt to outrage her modesty.

Contention of the petitioner is that the complaint case was treated as an FIR being Behiya P.S. case no. 40 of 2013 in which, after conclusion of investigation, final form was submitted and the petitioner was not sent up . A protest petition was filed by the complainant whereon the cognizance has been taken. Hence the apprehension.

It has also been submitted that there is land disputed between the parties which is evident from the Annexure-2. The petitioner as well as the complainant are aged between 60 to 65 years. Petitioner has been falsely implicated in this case owing to the land dispute as both of them are neighbours. If the petitioner is privileged with anticipatory bail he will desist from committing any offence of the similar nature .

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Ara. in connection with Complaint case no. 1206 of 2013(Tr. No. 4244 of 2014), subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on



the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

- (iii) During the subsistency of the privilege of anticipatory bail if the petitioner is found involved in any other criminal case, the same shall be considered as breach of the condition(s) of bail entailing cancellation of bail.

(Kishore Kumar Mandal, J)

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