

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49854 of 2015

Arising Out of PS.Case No. -273 Year- 2015 Thana -BODHGAYA District- GAYA

Subodh Kumar S/o Lakhan Prasad Resident of Village-Bataspur, P.S.-Bodh
Gaya, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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 against for the petitioner for offence under Sections 354B and 506 of the Indian Penal Code and that the informant, victim lady, has made direct allegation against the petitioner of having been subjected to sexual overtones as well as an attempt for outraging her modesty, this Court was not inclined to grant privilege of anticipatory bail to the petitioner.

Learned counsel for the petitioner, however, submits that this Court should take into consideration that not only the informant is a married lady but, even the petitioner is a married man and, therefore, such allegation against the petitioner in fact seems to be out of old grudge and enmity.



This Court would find it difficult to accept such oral submission of the learned counsel for the petitioner, inasmuch as, there is no documentary evidence to show that there is any enmity between the petitioner and the informant.

Nonetheless, this Court, keeping in view that the petitioner has got no criminal antecedent, would grant him privilege of anticipatory bail only on a condition that at the time of surrendering, he shall give a written undertaking that in future he will never harass the informant in any manner and if the informant makes any complaint against the behaviour and conduct of the petitioner before the court below, his present bail, subject to enquiry being held by the court below, shall be cancelled.

That being so, if the petitioner, namely, Subodh Kumar surrender before the court below within a period of four weeks from today, he will 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, Gaya in connection with Bodh Gaya P.S. Case No. 273 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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