

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58818 of 2017

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1. Om Prakash Mahto S/o Bharat Mahto,
2. Kundan Kumar S/o Gaya Prasad Mahto, Both resident of Village- Jarhi
Mirjapur, P.S.- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Rosera P.S. Case No. 289 of 2016 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code.

It has been submitted that the instant case is counter blast of Rosera P.S. Case No. 283 of 2016 lodged by Renu Kumari wife of Gaya Prasad Mahto against the informant and others.

In the instant case, allegation against petitioner No. 2 is that he attempted to outrage the modesty of the informant by removing her Sari. There is no allegation of any specific overt act against petitioner No. 1. In paragraph-3 of the petition, it has been mentioned that the petitioners have no criminal antecedent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event



of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Rosera P.S. Case No. 289 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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