

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.42958 of 2017**

Arising Out of PS.Case No. -350 Year- 2017 Thana -BIHTA District- PATNA

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Nitish Kumar, Son of Sanjay Kumar, Resident of Village-Amnabad. P.S.-  
Bihta, District-Patna.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Viveka Nand Pathak, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

**ORAL ORDER**

2 19-09-2017

Heard the parties.

This application, for grant of anticipatory bail,  
arises out of Bihta P.S. Case No. 350 of 2017, disclosing  
offences under Sections 147, 148, 149, 341, 323, 447,  
307, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is of having  
attempted to outrage the modesty of the niece of the  
informant. When the family members of the informant  
complained, the accused persons are said to have  
subsequently abused the informant and assaulted him.

Learned counsel for the petitioner has



submitted that the case of the prosecution, as narrated in the First Information Report, is highly improbable inasmuch as, allegations have been made against the female members of the petitioner's family to have caused assault and used abusive language. He has also submitted that the accused persons and the informant's side are *Gotiyas*, having common ancestor. There is dispute between them over a lane, which is the reason for filing of a false case.

Be that as it may, considering the nature of accusation, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Danapur**, in connection with **Bihta P.S. Case No. 350 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear



before the Court on two consecutive occasions, his/her  
bail bond shall be liable to be cancelled.

Praveen-II/- **(Chakradhari Sharan Singh, J)**

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