

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50953 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -HATHAURI District- MUZAFFARPUR

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1. Sushant Kumar, S/o Late Ram Sudhar Singh, R/o Village- Bharatpatti,
P.S.- Hathauri, District- Muzaffarpur.
2. Lakshmeshwar Sharma, S/o Ramanand Sharma, R/o Village- Choupar,
P.S.- Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-11-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Hathauri P.S. Case No. 122 of 2017 instituted for the offence under Sections-376/511 of the Indian Penal Code.

It has been submitted that Archana Kumari, daughter of petitioner No. 2 and wife of petitioner No. 1 had filed Hathauri P.S. Case No. 117 of 2017 (Annexure-2) against Manoj Singh and other for the offence under sections-324, 354 & other minor sections of the Indian Penal Code. The informant in the instant case has been set up by Manoj Singh, to lodge the case, as a counter blast. The informant has herself mentioned in the written report that she is relation of Manoj Singh and she had come to his house.

It is alleged by the informant in the instant case that on the



date of occurrence, these petitioners attempted to outrage her modesty.

As per written report, it appears that there is general and omnibus allegation against both these petitioners.

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 Hathauri P.S. Case No. 122 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Muzaffarpur 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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