

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52537 of 2018

Arising Out of PS.Case No. -193 Year- 2017 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Amod Sahani @ Amod Kumar, Son of Bhikhari Sahani, resident of
Village Bafapur Banthu, P.S. Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner. No one
appears for the State.

Petitioner in the present case is seeking regular bail in
connection with Bhagwanpur P.S.Case No. 193 of 2017 registered
for offence under Sections 341, 342, 323, 504, 354, 509, 506 and
34 of the Indian Penal Code read with Sections 66, 67 and 67 (a)
of the Information Technology Act, 2000.

Learned counsel for the petitioner submits that as per
allegations this petitioner had taken the informant at a lonely place
with the help of two other persons and had put 'sindur' on her and
taken a photograph which was put on the Whats-App. It is further
alleged that this petitioner had also teased the informant.



Learned counsel submits that this petitioner has got no criminal antecedent and save and except one Section of the Indian Penal Code other provisions are bailable. Learned counsel further submits that the alleged date of occurrence in the present case is said to be dated 23.09.2017 whereas F.I.R. was lodged on 14.10.2017 which shows that the F.I.R. has been lodged as an afterthought. Further submission is that the petitioner is in custody since 16.10.2017 in connection with the present case and is ready to abide by the terms and conditions which will be imposed on the petitioner.

In the facts and circumstances of the case, where it appears that the F.I.R. was lodged after about 20 days from the date of alleged occurrence, the petitioner has no criminal history and he has remained in custody for 11 months by now and the charges have already been framed, this Court would direct for release of the petitioner on regular bail on furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 193 of 2017, subject to the condition under Section 437 (3) Cr.P.C.

Apart from those conditions, the petitioner shall also



abide by the following conditions:-

(i) After his release he will not contact either the informant or any of her family members and shall not indulge in similar kind of allegations or offence.

(ii) He would not intimidate the witnesses of the case.

(iii) He will appear in the learned Court below in course of trial on each and every day and in case of failure to attend the Trial Court without there being any cogent reason the bail bond of the petitioner shall be cancelled by the learned Court below without looking for application on behalf of the prosecution.

This application is disposed off.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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