

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58767 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -LAXMIPUR District- JAMUI

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1. MAHENDRA DAS @ MAHENDRA RAVIDAS Son of Basudeo Das
Resident of Village- Mohanpur, P.S. Laxmipur, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Laxmipur P.S. Case No. 64 of 2017 instituted for the offence under Sections-341, 323, 354, 325, 504/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that there has been free fight between the parties. The son of the petitioner namely, Mithilesh Kumar was assaulted with sword causing head injury to him and he became unconscious, for which, his mother, Indu Devi has filed a case being Laxmipur P.S. Case No. 63 of 2017 against the informant and others.

In the instant case, it is alleged that this petitioner attempted to outrage modesty of the informant while she was removing cow dung and other accused persons assaulted her with bricks, stones etc.

Counsel for the informant has appeared and submitted that



during investigation, police has found miscarriage to the informant and offence u/S 313 of the Indian Penal Code is also made out but this court finds that till date, case has been registered only for the offence under Sections-341, 323, 354, 325, 504/34 of the Indian Penal Code. Moreover, there is free fight between the parties as would appear from counter case, in which, son of the petitioner has also sustained injury.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his 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 Laxmipur P.S. Case No. 64 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jamui 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) petitioner 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 liable to cancel bail bond of the petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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