

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8560 of 2018

Arising Out of PS.Case No. -58 Year- 2017 Thana -KANGALI
District- WEST CHAMPARAN(BETTIAH)

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Laxman Sah, S/o Late Jadu Sah, R/o Village- Sabaitihawa, P.O.- Sugaha
Bhawanipur, P.S.- Kangali, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. M.N. Parbat, Sr. Advocate
Mr. Ved Prakash Srivastva, Advocate
For the State : Dr. Mrityunjaya Kr.Gautam, APP
For the Informant : Mr. Bimlesh Kumar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-03-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned
counsel for the informant is also present.

The petitioner is in custody since 25.11.2017 in
connection with Kangali P.S. Case No.58 of 2017 registered
for the offence under Sections 457, 376, 380 and 511 of the
Indian Penal Code.

The allegation against the petitioner is that he had
attempted to outrage the modesty of his own sister-in-law and
on *hulla* being raised, had fled away from the place of
occurrence. The allegation further is that the petitioner has
been indulging in similar acts with other women of the



village and his own daughter-in-law, who has filed a case against him, which is of similar nature. Several women of the village also testified to the same effect.

Diary in the present case was called for, which has since been received.

Learned counsel appearing on behalf of the State and also the learned counsel appearing on behalf of the informant have pointed out to certain paragraphs of the case diary, wherein it has been stated that several villagers, including the women, have stated that the petitioner is of indecent character and has been indulging in similar acts not only with his own members of the family but also other women of the village. They thus submit that the petitioner is not entitled to the privilege of bail.

In response to the aforementioned submissions, Mr. M.N. Parbat, learned Senior Counsel appearing on behalf of the petitioner submits that no useful purpose would suffice as the investigation is now complete and charge sheet has already been submitted in this case and that the petitioner is willing to co-operate with any further investigation and shall also present himself before the court after commitment and shall co-operate with the trial, as and when required.



Having considered the entire gamut of circumstances and upon consideration of the fact that the petitioner is an old man of 68 years, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Bettiah, in connection with Kangali P.S. Case No.58 of 2017, subject to the following conditions:

(1) One of the bailors shall be his own son and/or a Government servant.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial. However, in case of repetition of any such offence or allegation, it shall be open to the informant to move this Court for cancellation of bail.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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