

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67186 of 2018

Arising Out of PS. Case No.-66 Year-2017 Thana- Rohtas District- Rohtas

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Vivek Kumar Choudhary @ Vivek Kumar, son of Sikendar Choudhary,
Resident of Village- Bajitpur P.S.- Rohtas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Rohtas P.S. Case No. 66 of 2017 registered under Sections
341, 448, 323, 325, 504, 354-B and 379/34 of the Indian Penal
Code.

It is submitted by the learned counsel for the
petitioner that save and except Sections 354-B, 325 and 379 of
the Indian Penal Code, all other Sections are bailable in nature.
As far as Section 354-B is concerned, there is no allegation that
the petitioner assaulted or used criminal force either to the wife
or the daughter of the informant with intent to disrobe. There is
also no allegation that anyone was grievously hurt. The
allegation of theft is ornamental in nature and out of trivial



dispute due to putting colour on the eve of Holi an exaggerated version has been given by the informant to the police as a result of which, the instant first information report has been instituted. He further contended that the petitioner is neighbour of the informant and prior to the present case, he has not been made accused in any other case.

Learned Counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the allegations made in the first information report, the other facts and circumstances of the case and the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Dehri in connection with Rohtas P.S. Case No. 66 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md. S./-Sanjeev

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