

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53324 of 2018

Arising Out of PS. Case No.-128 Year-2015 Thana- COMPLAINT CASE District- Supaul *

1. Bishundeo Sharma @ Vishnudeo Sharma S/o Ramdeo Sharma,
2. Dasrath Sah @ Dashrath Sah @ Lofia S/o Late Harilal Sah,
Both resident of village Bairo, Tola Palaspur, P.S. + District- Supaul.

... .. Petitioners

Versus

1. The State Of Bihar
2. Babita Devi W/o Laxman Sah, Resident of village - Ramnagar Bharna, P.S.-
Nauhatta, District- Saharsa.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Jitendra Kumar Singh , APP
For Opposite Party No.2	:	Mr. Shailendra Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 328, 366, 376 and 379/34 of the Indian Penal Code registered in connection with Complaint Case No. 128(C) of 2015.

3. It is submitted that the petitioners have been falsely implicated as there is inordinate delay in filing the complaint on 10.12.2015 for the alleged occurrence of 18.10.2014. The averments in the complaint that the complainant remained unconscious during the entire episode is highly improbable in nature. Petitioner no. 2 is physically challenged person.

4. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner no. 1, namely, Bishundeo Shama @ Vishnudeo



Sharma, The anticipatory bail petition as against him stands dismissed.

5. Be that as it may, as regards petitioner no. 2 Dasrath Sah @ Dashrath Sah @ Lofia, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul in connection with Complaint Case No. 128(C) of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner no. 2.

(ii) That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 2 shall be well represented in court on each and every date during trial except as and when directed by the learned Court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The learned counsel below shall verify that the petitioner no. 2 is physically challenged person with permanent disability. The provisional bail granted to the petitioner shall stand confirmed upon verification that he is suffering from permanent disability as claimed on the basis of the concession certificate dated 09.04.2002 (Annexure-2). In case the said claim of the petitioner is not found verifiable, the provisional anticipatory bail shall stand automatically cancelled.

BT/-

U		T	
---	--	---	--

(Vikash Jain, J)

