

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10317 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- MAHILA PS District- East Champaran

1. Randhir Kumar Mishra @ Randhir Mishra (Male), aged about 45 years, son of Prabhunath Tiwari, resident of village Chandpur, P.S. Sangrampur, District - East Champaran.
2. Manibhushan Kumar @ Bhushan Kumar (Male), aged about 41 years, son of Bacha Singh, resident of Village- Sikandarpur, P.S. Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the State	:	Ms. Asha Kumari, APP
For the Informant	:	Mr. Manjeet Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-06-2021

The matter has been heard *via* video conferencing.

2. The matter has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioners on 03.06.2021, which was allowed.

3. Heard Mr. Radha Mohan Singh, learned counsel for the petitioners; Ms. Asha Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Manjeet Kumar Mishra, learned counsel for the informant.

4. The petitioners apprehend arrest in connection with Motihari Mahila PS Case No. 17 of 2020 dated 08.05.2020,



instituted under Sections 498-A, 313, 354, 506/34 of the Indian Penal Code.

5. The allegation against the petitioners, who are the friends of the husband of the informant and his elder brother, is that they were also party to teasing and taunting the informant.

6. Learned counsel for the petitioners submitted that both the petitioners, as per the allegation, used to visit the matrimonial home of the informant as they were the friends of the informant's husband and his elder brother and, thus, only for that reason, they have been made accused in a purely private dispute in which they have absolutely no connection. It was submitted that as per the allegation, the same is *ex-facie* absurd as a person aged about 45/41 years cannot be expected to be used by any person for taunting any lady while she is passing by. Learned counsel submitted that the family members of the husband of the informant have been granted anticipatory bail by a co-ordinate Bench on 22.01.2021 in Cr. Misc. No. 30976 of 2020. It was submitted that the petitioners do not have any criminal antecedent.

7. Learned APP could not controvert the fact that the only allegation is of taunting and teasing against the petitioners and they are not the relative of the husband of the informant.



8. Learned counsel for the informant submitted that the petitioners used to taunt and tease the informant while she was going outside for any work.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in Motihari Mahila PS Case No. 17 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the bailors and the petitioners shall execute bond and give undertaking with regard to their good behavior, and (iii) that the petitioners shall cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall



take immediate action on the same after giving opportunity of hearing to the petitioners.

11. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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