

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1984 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- UJIYARPUR District- Samastipur

Kamlesh Kumar Son of Ram Vadan Mahato Resident of Village- Kerai
(Rupauli Khurd), P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 504, 354-A, 354(B)/34 of the Indian Penal Code.

As per prosecution story, in brief, is that on 02.09.2021 at about 11:00 P.M. informant was alone at her matrimonial home. Petitioner along with co-accused Sanjeet Mahto came at her matrimonial home. When petitioner Kamlesh Kumar went out from room then co-accused Sanjeet Kumar started to touch the informant inappropriately and tried



to hug her. In the meantime petitioner Kamlesh Kumar returned inside the room and held the hand of the informant and touched her cheek. On raising alarm nearby people rushed there and caught the petitioner and co-accused Sanjeet Mahto ran away. Petitioner and co-accused touched her private part.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that no case is made out against the petitioner under Section 354B of the Indian Penal Code and there is no eye witness to the alleged occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ujiyarpur P.S. Case No. 266 of 2021, with the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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