

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3545 of 2022

Arising Out of PS. Case No.-721 Year-2021 Thana- BRAHMPUR District- Buxar

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UMESH YADAV Son of Late Shiv Kashi Yadav Resident of Village- Sriram
(Amthua), P.S.- Brahmpur (Krishnabrahm), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-06-2022 Heard learned counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 354B of the Indian Penal
Code and section 37(ii) of the Bihar Prohibition and Excise Act.

Allegedly, petitioner entered into the house of the
informant in mid night and tried to molest her and when she
raised alarm, nearby people assembled and saved her and
thereafter petitioner was medically examined and he was found
drunken.

The main submissions advanced by the learned
counsel for the petitioner are that prosecution's allegation in the
FIR is completely false as informant was not expected to sleep
by keeping her door open and in the FIR the time of the alleged



occurrence was over-written. Against petitioner, there are six cases in which he is on bail and all these cases do not belong to Excise Act and moreover, petitioner has been languishing in jail since 29.11.2021.

Learned APP opposes the prayer for bail.

Having considered the above submissions, petitioner's custody period and also the fact that the main allegation is that the petitioner was found in drunken condition at the time of alleged occurrence and as per his counsel he is on bail in all cases shown as criminal antecedent at para 3 of the petition, a lenient approach may be taken in respect of the petitioner. Let the petitioner 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 the Additional Sessions Judge II-cum-Special Judge, Excise Act, Buxar in Brahmpur (Krishnabrahm)Police Station Case No. 721 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by



the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than cases mentioned in para-3 of the petition of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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