

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27483 of 2022

Arising Out of PS. Case No.-639 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Nitish Kumar S/O Mahesh Mahto R/o village- Rajraha, P.S.- Khodawandpur
(Chhaurahi), District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Nikki Singh W/o Dr. Arvind Kumar Singh @ Arvind Kumar Singh R/o village- Front of Sishu Seva Sadan, Mahila Vidya Mandir, Purani Bazar, P.S.- Lakhisarai, District- Lakhisarai. At present Resident of Sipra, Road No. 16, Near Petrol Pump, P.S.- Begusarai Town Police Station, District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. K. Lal, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. S. K. Lal, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Begusarai Town (Ratanpur O.P.) P. S. Case No. 639 of 2021 registered for the offences punishable under Sections 498 (A), 307, 353, 354, 504, 506 read with 34 of the Indian Penal Code.



The prosecution case is based upon a written report given by the informant alleging therein that on 18.10.2021 at about 11:15 A.M., while she was coming from her office on Scooty, in the meantime, the petitioner and others forcibly intercepted and tried to make her to set into a Bolero vehicle. It is further alleged that the co-accused injected sedative injection, thereafter, she found herself at Basudev hospital-cum-residence at Rosera where accused persons assaulted and abused her. There are certain other allegation against the husband and other family members.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that this petitioner is a distant relative of the husband of the informant and except the allegation that he caught hold of the informant, there is no other allegation much less either demand of dowry or assaulting the informant. It is further submitted that the occurrence has taken place in the morning of 18.10.2021 at Rosera whereas the present F.I.R. has been instituted in the night of 19.10.2021 at Ratanpur O.P.. It is also submitted that the petitioner having absolutely clean antecedent, is in custody since 10.01.2022, though the investigation of the crime is already completed and the charge-sheet has been



submitted.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation that the petitioner caught hold the informant and other persons assaulted her.

Having considered the submissions made on behalf of the parties and taking into account the nature of the allegation and also the relation of the petitioner being distant relative of the husband of the informant, apart from that he is in custody since 10.01.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Ratanpur O.P.) P. S. Case No. 639 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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