

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45333 of 2021

Arising Out of PS. Case No.-58 Year-2021 Thana- DIDARGANJ District- Patna

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UTTAM KUMAR S/o LATE SHANKAR SINGH R/o GYANCHAK, P.S-
DIDARGANJ, DISTRICT-PATNA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Abhay Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 25-04-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in connection with
Didarganj P.S. Case No. 58 of 2021, registered for the offences
punishable under Sections 448, 341, 323, 376, 511, 504, 506, 379 of
the Indian Penal Code.

At the outset, learned counsel for the petitioner has
submitted that in paragraph No. 3 he has mentioned the criminal
antecedent of the present petitioner of Masaurhi P.S. Case No. 969 of
2018 but due to inadvertence one case of Didarganj P.S. Case No.
289 of 2019 was left from being mentioned. In this respect he has
filed a supplementary affidavit.



As per allegation, the petitioner entered into the room of the informant and attempted to commit rape upon her. On hue and cry he snatched the golden chain from her neck and fled away.

Learned counsel for the petitioner has submitted that informant is *bhabhi* of the petitioner and she is 10 years elder to him. He has submitted further that there is some dispute between the petitioner and husband of the informant regarding a godown of the joint family. As submitted he has falsely been implicated due to that dispute.

On the other hand, learned counsel for the informant has opposed the prayer for bail of the petitioner. He has submitted that the petitioner is also implicated in another case under Section 304 B and a case under Section 379 and allied sections to which learned counsel for the petitioner has submitted that in case under Section 304 B he was implicated falsely and considering these facts the learned court below itself granted anticipatory bail vide order dated 16.01.2020, in ABP No. 9371 of 2019.

From perusal of the impugned order whereby the prayer for anticipatory bail was rejected by the Additional Sessions Judge-First, Patna, it appears that there is nothing against the petitioner in the case diary except the statement of the informant.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks, be released on anticipatory bail before



the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Didarganj P.S. Case No. 58 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

At the time of furnishing bail bond the petitioner shall also furnish an affidavit of having good behaviour in future.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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