

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35822 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- PAHARPUR District- East Champaran

Santosh Kumar Son Of Hiralal Prasad R/O-Vill.- Mankaraiya, P.S.- Paharpur,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Paharpur P.S. Case No. 24 of 2022 lodged under Sections 341,
323, 504, 306, 34 of the I.P.C. read with Section 67(c) of I.T.
Act, 2000.

As per the prosecution case, the informant has stated
that the marriage of her daughter has solemnized with one Rohit
Prasad. It has been stated that she was residing at her *Naihar*
and one of her relative Binda Prasad has visited to her house on
19.01.2022. Thereafter, 5 named accused persons alongwith 20-
25 unknown persons have surrounded the house of the
informant and started abusing the informant and her daughter

about her illicit relation with the said Binda Prasad. It has alleged that on the instance of *Sarpanch*, the people have assaulted them and all thing was recorded and subsequently it was made viral. Seeing this, the daughter of the informant become mentally imbalance and suicide herself.

Learned counsel for the petitioner submits that name of petitioner is not figured in the F.I.R. He further submits that in the order sheet passed by the A.D.J., it transpires that his name has figured in this case by the supervision report. It has been further submitted by counsel that a pen drive was produced before the Court in which the Court itself run the video and seeing that the petitioner was abusing the deceased.

Learned counsel for the petitioner submits that in totality of the offence, there is an allegation of abusing against the petitioner in the entire case. Though, he was not named accused in this case. Learned counsel for the petitioner further submits that petitioner is in custody since 07.05.2022 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Motihari, District: East Champaran in connection with Paharpur P.S. Case No. 24 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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