

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51889 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- SAHPUR District- Patna

Chhotu Kumar @ Sudhir Kumar Son of Shri Janak Ray R/o village - Ghosuk
Tola, Konhara, Puliya, P.S.- Sahpur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Dhananjay Prasad, learned counsel
appearing on behalf of the petitioner and learned APP for the
State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Shahpur P.S. Case No. 367 of 2021 registered
for the offences punishable under Sections 341, 342, 323, 307,
354, 385, 506, 509 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
23.09.2021 at about 09:00 AM, while the informant was going
to her college, in the meantime, two persons including the
petitioner came on a motorcycle and started teasing. It is further



alleged that the co-accused Rakesh Kumar, threatened the informant to withdraw the earlier case, failing which he would kill her family members. It is further alleged that this petitioner took away her scarf and tried to strangle her with the help of that scarf. It is also alleged that the co-accused persons always used to harass and stalk her with wrong intention for the last one year.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the petitioner and informant are co-villager and there is already pending cases between the parties. So far the allegation of threatening is concerned, the same has been levelled against Rakesh Kumar @ Kallu and so far the petitioner is concerned, he being friend of Rakesh Kumar, his name has been implicated in this case. He next submits that on account of the aforesaid allegation, the petitioner is in custody for about one year and moreover, the charges have already been framed and the trial is going on.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation of harassment and molestation has been levelled against the petitioner and another co-accused person.

Regard being had to the submissions made on behalf



of the parties and considering the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge VI, Danapur in connection with Shahpur P.S. Case No. 367 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(vi) The petitioner shall ensure his presence before the SHO of nearest police station on the first week of every month, at-least for six months’ and in case he would found indulge in similar kind of activities, the Court below shall be at liberty to cancel his bail bond on a proper application filed by the learned APP.

(Harish Kumar, J)

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