

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69255 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- DIGHA District- Patna

Pradeep Kumar, S/o Sri Ganesh Rai, R/v-Nakta Diara, Naya Tola, P.S.-Digha,
Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 20-07-2022

Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Digha P.S. Case No.105 of 2021 instituted under Sections 376, 511 of the Indian Penal Code.

As per the prosecution story he entered into the house of one Chitranjan Jha and tried to outrage the modesty of his wife. Upon hulla both her husband and brother-in-law caught hold of the petitioner and handed over to the police and he is in jail since then i.e. 18.02.2021 (as stated in para-3 of the bail application).

In this case case diary was called for and the learned APP has pointed out that he is in the habit of outraging the modesty of the neighbours surrounding his house.



Learned counsel for the petitioner submits that for the said alleged mental illness, he has suffered a lot by being in jail since 18.02.2021 and further submits that if released on bail he will never ever try to misbehave with any of the lady and he is further ready to abide by all the terms and conditions if granted the privilege of bail.

Taking into account that charge-sheet stands submitted and he is in jail since 18.02.2021, this Court is inclined to grant him privilege of bail with certain conditions. However, the learned court below shall ascertain his criminal antecedent before releasing him on bail in view of the fact that he has narrated in para-3 of the bail application that he has no criminal antecedent. If it is found that he has criminal antecedent his bail shall cancelled.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Digha P.S. Case No.105 of 2021 to the satisfaction of learned S.D.J.M., Patna, subject to following conditions:

(i) both the bailors should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fifteen days for next one year to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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