

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3553 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- SHERGHATI District- Gaya

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Ashish Kumar @ Chhotu Bajpaiee Son Of Sivo Bajpaiee R/O Village-
Ghoraghat, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
15.04.2022 in connection with Sherghati P.S. Case No. 299 of
2022, F.I.R. dated 15.04.2022 for the offences punishable under
Sections 341, 323, 504, 448, 452, 354(B)/34 of the Indian Penal
Code.

According to prosecution case, the petitioner entered
into the room of the informant with bad intention and tried to
outrage her modesty. It is further alleged that when the
informant protested, the petitioner pushed her due to which she



fell on the ground.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that in fact, the petitioner has already made accused by the informant in Sherghati (Dobhi) P.S. Case No. 494 of 2019 alleging the same offences as alleged in the present F.I.R. He further submits that no such occurrence has taken place. He further submits that the statement of husband of the informant was recorded under Section 161 of the Cr.P.C. in which he has categorically stated that the present case is a false case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate,



Sherghati at Gaya in connection with Sherghati P.S. Case No. 299 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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