

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15825 of 2023

Arising Out of PS. Case No.-887 Year-2022 Thana- BARACHATTI District- Gaya

1. PINTU KUMAR S/O SUKHDEO YADAV Resident of Village- Chornima, P.S.- Mohanpur, District- Gaya.
2. RAJU KUMAR S/O SUKHDEO YADAV Resident of Village- Chornima, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-05-2023 It has been submitted by the learned Senior Counsel for the petitioners Mr. Krishna Prasad Singh that during the pendency of the case, the petitioner no.1 Pintu Kumar has been arrested and as such the petition against him became infructuous.

Heard learned Senior Counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Barachatti (Mohanpur) P.S. Case No. 887 of 2022 under sections 307, 354, 354(b), 341, 323, 324 of the Indian Penal Code lodged on 02.10.2022 by the informant Rinki Devi.

The prosecution story, in brief, is that on 02.10.2022,



the informant was going to attend the call of nature and when she reached near Pond, the accused/petitioner Raju Kumar caught her and started outraging her modesty. When the informant raised alarm, he cut the lip of informant due to which the blood started oozing and thereafter she anyhow fled away from the place of occurrence.

Further, Pintu Yadav, Sukhdeo Yadav, Rekha Devi, Indu Devi, Parwati Devi armed variously assaulted the 'Dewar' of informant due to which he sustained head injury and Sukhdeo Yadav assaulted the informant with rod due to which she sustained fracture injury at her hand. Thereafter she fell down on the ground and Rekha Devi assaulted on her leg causing fracture while co-accused Indu Devi and Parvati Devi also assaulted her 'Dewar'. Accordingly, the FIR.

It has been submitted by learned Senior Counsel that the allegation against petitioner no.2 is having causing injury on the lip of the informant whreafter she raised alarm and then other accused persons came and assaulted her. It is his further submission that there is counter version also in which Raju Kumar has made accusation of assault against the informant side.

The last submission is that the injury caused on the lip



of the informant has been found to be simple in nature.

Learned APP opposes the prayer stating that there is allegation of outraging the modesty of the lady.

Taking into account the submission put forward by learned Senior Counsel as also the fact that the injury has been found to be simple in nature, there is case and counter case and the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner no.2 be released on bail in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-II, Sherghati, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 887 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. along with conditions.

(i) one of the bailor 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 reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran

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