

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40349 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- BELA District- Sitamarhi

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1. JODHAN SAH SON OF LATE SHIV SHARAN SAH VILLAGE SRIRAMPUR NARANGA WARD NO 7 PS BELA, DISTRICT-SITAMARHI
 2. RAMPUKAR SAH SON OF RAMESHWAR SAH VILLAGE SRIRAMPUR NARANGA WARD NO 7 PS BELA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the learned Counsel for the petitioners,

Informant and Mr. Zainul Abedin who represent the State.

The petitioners apprehend their arrest in connection with Bela P.S. Case No. 316 of 2022 for the offence punishable under Sections 147, 148, 323, 324, 307, 354, 379, 325 and 504 I.P.C lodged on 01.12.2022 by the informant Vimla Devi.

As per the prosecution story, the allegation in the FIR is that the lady informant was assaulted by the petitioner no. 1 by 'Dabiya' on her head causing injury while the petitioner no. 2 tried to outrage her modesty. Accordingly the FIR.

It is the case of the learned counsel for the petitioners



that although the allegation is of using '*Dabiya*' on her head, actually the injury is in her left hand though the doctor has found the same to be grievous in nature. Regarding petitioner no. 2, it is alleged that only to implicate him the allegation of outraging her modesty is there.

Learned counsel for the informant submits that the injury inflicted by the petitioner no. 1 though in her hand has been found to be grievous in nature.

Learned APP opposes the prayer.

Taking into aforesaid fact so far as the petitioner no. 1 Jodhan Sah is concerned, his anticipatory bail stands rejected.

Considering the case of petitioner no. 2 Ram Pukar Sah, he do not have criminal antecedent, though there is allegation of outraging her modesty, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner 2, Ram Pukar Sah, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi, in connection with Bela



P.S. Case No. 316 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no.2 who shall provide official document to show his bona fide;

(ii) the petitioner no.2 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 no.2 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner no.2 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 no. 2 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

Regarding petitioner no. 1, Jodhan Sah, if he surrenders before the Court below within four weeks from today, the same shall be considered and order be passed preferably on



the same day.

With the aforesaid observations, the anticipatory bail application of the petitioner no. 2 is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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