

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39087 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- KUMAR KHAND District- Madhepura

SUBHASH SINGH Son of Manejer Singh Resident of Village - Sikiyaha
Ward No.11, P.s.- Kumarkhand, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39146 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- KUMAR KHAND District- Madhepura

PINTU KUMAR SON OF ARBIND SINGH R/O VILLAGE- SATIVER
KUPARI WARD NO.-13, P.S.- KUMARKHAND, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39246 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- KUMAR KHAND District- Madhepura

PISTAL KUMAR SON OF ARVIND SINGH R/O VILLAGE- SATIVER
KUPARI WARD NO.-13, P.S.- KUMARKHAND, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39087 of 2022)

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 39146 of 2022)

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 39246 of 2022)

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 23-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Kumarkhand (Bhatani O.P.) P.S. Case No. 77 of 2022, registered for the offences punishable under Sections 341, 323, 342, 347, 348, 354, 376, 324, 307, 446, 447, 448, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that on 20.06.2020 at about 11.00 P.M. Ashish Kumar along with his associates came near the house of the informant and said Ashish Kumar entered into the house of the informant and on the point of gun tried to outrage her modesty. Allegation of assaulting the informant's brother is also there.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that the main accused is Ashish Kumar. They further submit that there is nothing specific against these petitioners in the FIR. They also



submit that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners, namely, Subhash Singh, Pintu Kumar and Pistal Kumar have been languishing in jail since 16.04.2022, 05.04.2022 and 05.04.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Addl. C.J.M.-2nd, Madhepura in connection with



Kumarkhand (Bhatani O.P.) P.S. Case No. 77 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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