

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47664 of 2023

Arising Out of PS. Case No.-42 Year-2020 Thana- ANTICHAK District- Bhagalpur

1. RAJ KISHORE MANDAL son of Late Bouku Mandal Village- Oriup Ps- Antichak Dist- Bhagalpur
2. Chandan Kumar @ Chandan Kumar Goutam son of Raj Kishore mandal Village- Oriup Ps- Antichak Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard Mrs. Pravina Kumari, learned counsel for the petitioner and the State.

The petitioners are apprehending arrest in connection with Antichak P.S. Case No. 42 of 2020 instituted under under Sections 448, 323, 354(B), 379, 427, 337, 506 and 34 of the Indian Penal Code lodged on 30.12.2020 by the informant, Jaihind Mandal.

As per the prosecution story, the allegation is that the accused persons entered the informant's house and took all the articles and upon objection, tried to outrage the modesty of the women present there and also assaulted. Accordingly, the FIR.

Learned counsel for the petitioners submit that a bare



perusal of the FIR would show that only to implicate, this exaggerated FIR has been lodged. However, she concedes that the petitioners have criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that the allegation is omnibus nature, FIR lodged and ultimately they will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Antichak P.S. Case No. 42 of 2020 to the satisfaction of learned Judicial Magistrate-1st, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their



bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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;

(vi) the petitioners 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.

(Rajiv Roy, J)

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