

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46951 of 2022

Arising Out of PS. Case No.-585 Year-2020 Thana- SUPAUL District- Supaul

SHIV KUMAR YADAV @ SHIV KUMAR BHARTI S/O JANARDAN
YADAV Resident of village- Chakdumariya Ward No.- 10, P.S.- Supaul,
District- Supaul, State-Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Supaul P.S. Case No. 585 of 2020 for the offence registered
under Sections 341, 323, 324, 379, 354(B), 504, 506 and 34 of
the Indian Penal Code.

As per the prosecution story, the informant alleged
that the petitioner jumped in the bed room and tried to outrage
her modesty and when she resisted, she was also assaulted. The
last allegation is that he decamped with gold chain worth Rs.
32,000/- and a Jhumka.



Learned counsel for the petitioner submits that as per the FIR itself, the accused had put the electricity off and as such, it was hard for her to identify the identity in the midnight at 12 'O'Clock and merely on the basis of enmity, the FIR was lodged against him. The last submission is that he do not have any criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the petitioner has been named by the lady.

Taking into account the fact that from the FIR it transpires that the electricity was cut off, there is nothing on record to show that in the absence of light how the petitioner was identified and he do not have criminal antecedent, this Court is inclined to grant him anticipatory bail subject to the conditions that he will be co-operating during the course of investigation and will be visiting the concerned police station for next one year every month to make his attendance.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Supaul in connection with Supaul P.S. Case No. 585
of 2020 subject to condition as laid down under Section 438(2)
of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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