

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47956 of 2022

Arising Out of PS. Case No.-617 Year-2022 Thana- MADHEPURA District- Madhepura

1. BABU SAHEB @ BABU SAHAB S/O OPENDRA KUMAR @ LATE UPENDRA YADAV
2. GAUTAM KUMAR S/O OPENDRA KUMAR @ LATE UPENDRA YADAV, both are Resident of Village- Sahugarh, Ward No- 14, Deewan Tola, P.S.- District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Learned counsel for the petitioners submit that he intends to withdraw the relief sought for on behalf of petitioner no.1, Babu Saheb @ Babu Sahab.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioner apprehends his arrest in connection with Madhepura P.S. Case No.617 of 2022 instituted under Sections 341,354(B),379,385,384,504,506,34 of the Indian Penal Code.

As per the allegation, the petitioners armed variously came and demanded money from the informant, Panchayat Samiti Member of Sahugarh Panchayat for allowing the toilet construction work. Upon protest, allegation against amongst



other, the petitioner no.2 Gautam Kumar is of assaulting her and outraging her modesty.

Learned counsel for the petitioners submit that so far as the allegation of extortion and/or recovery of motorcycle is concerned, that was against the petitioner no.1, Babu Saheb @ Babu Sahab and only to exaggerate the FIR, the allegation against the petitioner no.2 has come up of outraging her modesty as also assaulting her.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that allegation is there against the present petitioner no.2 also.

Taking into account the fact that the main allegation is against petitioner no.1, Babu Saheb @ Babu Sahab whose petition has already been withdrawn, the petitioner no.2 is a young person and he undertakes to cooperate in the investigation/trial, this Court is inclined to grant him relief.

Let the petitioner no.2, Gautam Kumar be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Madhepura P.S. Case No.617 of 2022 to the



satisfaction of learned CJM, Madhepura, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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