

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53782 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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PREM KUMAR Son of Lakshman Ray P.S.-Mufassil District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is an accused in connection with Muffasil P.S. Case No. 207 of 2023 registered for the offences under sections 457, 376 and 511 of the Indian Penal Code lodged on 28.03.2023 by the informant, Kavita Devi.

As per the prosecution story, the lady informant has alleged that while she was sleeping with her child, the petitioner entered her room with the intention to rape and in the process, outraged her modesty. As she raised cry, the family members came, captured, handed over to the police followed by the FIR.

Learned Counsel for the petitioner submits that there was some money transaction between the parties for which he had visited the house little realizing that he will be implicated in the case and has already suffered by being in custody since



28.03.2023 (as stated in paragraph 9 of the bail application), do not have criminal antecedent and he is ready to abide by all the terms and conditions.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Though the allegation against him is serious of having trespassed into the informant's room with the intention to rape and in the process, outraged her modesty considering the fact that he is in custody since 28.03.2023, do not have criminal antecedent, this Court is inclined to extend him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IInd, Samastipur in connection with Mufassil P.S. Case No. 207 of 2023, subject to the following conditions:-

(i) one of the bailor should be the wife of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner 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 his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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