

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50613 of 2023

Arising Out of PS. Case No.-678 Year-2022 Thana- MAHUA District- Vaishali

Pankaj Rai S/O Sitab Ray R/O Village- Fatehpur Pakri, Ps. Mahua, Dist. Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pratima Kumari

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Mahua P.S. Case No. 678 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 325, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case as per the FIR is that all the accused persons including the petitioner made attempt to outrage the modesty of the informant and when she protested, all the accused persons assaulted her with iron rod.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits there is no allegation against the



petitioner in regard to the assault and the allegation against him is concocted and ornamental in nature. He also submits that specific allegation of assault is against co-accused, namely, Sukhvindra Ray and Bindeshwar Rai.

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

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

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

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Vaishali at Hajipur, in connection with Mahua P.S. Case No. 678 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the



following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) 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 bond of the petitioner.

9. Ld. counsel for the petitioner 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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