

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55403 of 2022

Arising Out of PS. Case No.-40 Year-2015 Thana- AIRPORT District- Patna

1. SHRAVAN KUMAR Son of Sri Bheem Bahadur Thapa Resident of Mohalla and P.S- Hawaiadda, Dist- patna
2. Vijay Gurung Son of Benu Gurung Resident of Mohalla- Jap-1 Gorkha battalion Doranda, P.S- Doranda, Dist- Ranchi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Hawaiadda P.S. Case No. 40 of 2015 under
section 354(A)(D), 34 of the Indian Penal Code.

As per the FIR, the informant alleged that she is
resident of Birla Colony, Phulwarisharif and as on the fateful
day, her daughter was coming home, the two Constables (the
petitioners herein) of BMP started following her and tried to talk
vulgar conversation. She became afraid and upon query, the
accused persons also tried to seek her mobile number. They
were in a drunken state and after the girl called the S.S.P. office,
Patna, they fled away. Accordingly, the FIR.



Learned counsel for the petitioners submit that the two petitioners already suffered as simultaneously departmental proceeding was also initiated in which major punishment have been inflicted upon them.

The learned APP on the other hand opposes the prayer stating that he has delayed coming into this Court.

Taking into account the fact that the petitioners do not not have criminal antecedents and as FIR has been lodged, they will ultimately have to face the music, this Court is inclined to grant them the privilege of anticipatory bail with conditions:

(i) the petitioners shall not try to meet the victim girl and/or family members;

(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 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;

With the aforesaid conditions, let the petitioners be released on bail, in the event of their arrest or surrender



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 like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, in connection with Hawaiadda P.S. Case No. 40 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

