

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57886 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- MANPUR District- Nalanda

Nitish Kumar @ Nitish Paswan S/o Sri Gangavishun Paswan Resident of
village- Manpur, P.S.- Manpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
G.R. No. 2736 of 2022 arising out of Manpur P.S. Case No. 146
of 2022 lodged under Sections 341, 457, 380, 354(B) of the
I.P.C.

As per the prosecution case, the allegation of theft and
outrage of modesty of the informant is there in the F.I.R.

Learned counsel for the petitioner submits that from
the contents of the F.I.R., it transpires that the petitioner has
entered in the house of informant at the night of 12.06.2022 but
F.I.R. has been lodged on the evening 08:15 p.m. of the next

day. Reason for filing delay F.I.R. is nowhere explained in the F.I.R., whereas the distance between the place of occurrence and P.S. is just 1 km. Counsel submits that he has categorically stated that there is a land dispute of *rasta* between the petitioner and the informant. Both are adjacent neighbour and only with a view to create pressure, this case has been filed. Counsel submits that the age of the informant is about 50 years, whereas the age of the petitioner is 27 years. Counsel submits that petitioner is in custody since 28.07.2022 having one criminal antecedent in which he is on bail.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant appeared and vehemently opposes the prayer for bail and submits that not only modesty rather money has also been taken by the petitioner.

Learned counsel for the petitioner submits that in the F.I.R., there is no such allegation of taking money.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda (Biharsharif) in connection with G.R. No. 2736 of

2022 arising out of Manpur P.S. Case No. 146 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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