

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57021 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- PHULPARAS District- Madhubani

1. SANTOSH DAS S/O KALKATIYA DAS @ YOGENDRA DAS Resident of village- Balabakhar, Gohuma Bairia, P.S.- Phulparas, District- Madhubani
2. VIKASH DAS S/O KHATTAR DAS Resident of village- Balabakhar, Gohuma Bairia, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Phulparas P.S. Case No. 116 of 2022 for the offence registered under Sections 341, 323, 354(B), 307 and 379/34 of the Indian Penal Code.

As per the prosecution story, the allegation is that the two petitioners herein came and tried to rape but upon arrival of the informant, they fled away. The further allegation is against other accused persons of assaulting as also snatching of Rs. 500/- from the pocket of the informant. Accordingly, the FIR was lodged.



Learned counsel for the petitioners submit that the matter has been exaggerated inasmuch as actually some scuffle took place during collecting of dry leaves from Kalambagh. The last submission is that they do not have criminal antecedent.

Learned APP for the State opposes the prayer for anticipatory bail and submits that the allegation is of outraging the modesty.

Taking the aforesaid facts and further they do not have criminal antecedent and will ultimately face the trial, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 116 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) 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/her bail bond by the Trial court itself;



(ii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iii) 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.

(Rajiv Roy, J)

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