

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60922 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. Laxmi Prasad Sah, S/O Late Sunderlal Sah R/O Village- Mahamadpur, Ps. Bajpatti, Dist. Sheohar
2. Ramshankar Kumar, S/O Laxmi Prasad R/O Village- Mahamadpur, Ps. Bajpatti, Dist. Sheohar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bajpatti P.S. case No. 261 of 2022 registered for the offence punishable under Sections 341, 323, 354(B), 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, the informant has alleged that the petitioner No. 1 has tried to outrage her modesty. When the informant objected, the petitioner No. 2 (son of petitioner No. 1) arrived and has assaulted the prosecution party.

4. The learned counsel for the petitioners submits that



the petitioner No. 1 was the earlier elected Mukhiya. The present prosecution has been set up by his political opponents, namely, Suraj Rai and Sikandar Das. At the instance of the same informant, earlier case was lodged under SC/ST Act against the petitioners, details of which has been disclosed in paragraph No. 3 of the bail application. Even as per allegation, it is a case of attempt and no such offence has been committed. Other than Section 354(B) I.P.C., all other sections are bailable. There are subsisting disputes between the parties which is evident from lodging of Complaint Case No. 311/2022 from the present petitioner's side and Bajpatti P.S. case No. 61/2022 lodged against the present prosecution party by the brother of the petitioner No. 1.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the submissions based on political rivalry and nature of allegation, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below



within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri at Sitamarhi in connection with Bajpatti P.S. case No. 261 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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