

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59651 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- KONCH District- Gaya

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OM PRAKASH KUMAR S/O SOKINDRA YADAV @ MAHENDRA
YADAV @ GARIWAN Resident of Village- Dhanu Bigha, P.S.- Konch,
District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection
with Konch P.S. Case No. 243 of 2022 instituted under Sections
354B/34 of the Indian Penal Code.

As per the prosecution story, the petitioner came to
the house of the informant, stayed there overnight on the pretext
that he is attending a marriage party nearby and later tried to
outrage his daughter's modesty. When, she raised alarm, her
brother caught hold of him. A 'Panchayati' was held, they
agreed to marry the lady, on the fateful day, he chose not to
appear in the temple.

Accordingly, the FIR.

Learned counsel for the petitioner submits that he is



innocent and has falsely been implicated in this case because of village politics and he do not have criminal antecedent.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the kind of allegation as also the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Konch P.S. Case No. 243 of 2022 to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) 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;



(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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