

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6034 of 2024**

Arising Out of PS. Case No.-403 Year-2023 Thana- KHAIRA District- Jamui

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Balmiki Sao S/o Late Ishwar Sao R/o Village - Singarpur, P.S. - Khaira, Dist.  
- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Sinha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      20-02-2024                      Heard learned Counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Khaira P.S. Case No. 403 of 2023 for the offence registered under sections 448, 323, 354(B), 385 and 34 of the Indian Penal Code lodged on 19.09.2023 by the informant, Aasha Devi.

3. As per the prosecution story, the informant alleged that the accused's side demanded Rs. 50,000/- within a month and thereafter, on 16.09.2023, they entered the house and caught hold her husband, assaulted him and when she tried to save, tried to outrage her modesty and further allegation of assault is there. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that there is a case and counter case, the petitioner's side lodged the



FIR first which followed the second FIR, the matter relates to the last panchayat election and as the informant's side were supporting a particular candidate while the petitioner's family chose to get him defeated, the present case.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Having gone through the facts of the case as also the allegation in the FIR, there is a case and counter case, FIR lodged, ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner 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 Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 403 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 bail bond by the Trial court itself;

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

(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 the bail bonds.

**(Rajiv Roy, J)**

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