

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15352 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Anil Prasad @ Anil Kumar Son of Rajdeo Bhagat R/o vill - Harpali, P.s. -
Siwaipatti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sri Niwas Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-05-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Siwaipatti P.S. Case No. 87 of 2023 for the offence punishable under Sections 448, 323, 324, 354, 376, 511 of the Indian Penal Code lodged on 23.4.2023 by the informant, Vibha Kumari.

3. As per the prosecution story, the allegation is that when the informant was sleeping with her child in her house, the petitioner trespassed and tried to outrage her modesty. When she protested, was assaulted by the petitioner.

4. Learned counsel for the petitioner submits that he has already suffered by remaining in custody since 8.5.2023 and he do not have any criminal antecedent save and except a case lodged under section 30(A) of the Bihar Prohibition and Excise



Act.

5. Learned APP opposes the prayer but concedes that he has remained in custody since 8.5.2023.

6. Taking into account the aforesaid facts as also his period of custody (para-13 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. District and Sessions Judge-3 and Special Judge, POSCO, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 87 of 2023 subject to the following conditions:

(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 his 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 his bail bonds.

(Rajiv Roy, J)

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