

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13559 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- SUGAULI District- East Champaran

Umesh Kumar Raut Son of Late Shyam Sundar Raut R/o Village- Gidha, P.S.-
Sugauli, District- East Champaran at Motihari Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024 Heard Mr. Shashank Shekhar, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in connection with Sugauli P.S. Case No.13 of 2023 for the offence under sections 323, 379, 380, 354, 354(B), 376, 504 and 506 of the I.P.C. lodged on 10.01.2023 by the informant, Meena Devi.

3. As per the prosecution story, the complainant/ informant alleged that on 21.10.2019 while she was alone, the petitioner came and tried to rape her and also snatched gold chain worth Rs. 30,000/-. On her cry, the locals came and he escaped and as the police failed to lodge FIR, she filed complaint in the year 2019 itself which ultimately resulted into lodging of Sugauli P.S. Case No. 13 of 2023, four years later.

4. Learned counsel for the petitioner has taken this Court to Annexure P/2, the complaint submitted by this petitioner against the family members of the lady on 22.08.2019 under SC/ST Act and as an after thought, the present complaint



on 23.10.2019 which resulted into the FIR.

5. He further submits that he is a small shopkeeper, having family and has been dragged in the case lowering his image in the society, he is ready to co-operate in the trial. The last submission is that the petitioner do not have criminal antecedent.

6. Learned APP opposes the prayer stating that a married lady has alleged his trespassing in the house and trying to commit rape as also snatching of the gold chain.

7. Taking into account the submission of the parties, the facts that has come in the aforesaid paragraphs, the petitioner do not have criminal antecedent and will be diligently co-operating in trial, the matter is of 2019, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 13 of 2023 subject to the conditions 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/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 bail bond by the Trial Court itself;

(iii) 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;

(iv) 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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