

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16313 of 2024

Arising Out of PS. Case No.-482 Year-2022 Thana- PHULPARAS District- Madhubani

1. NARENDRA KUMAR PASWAN S/O UMA PASWAN R/O VILLAGE-BELMOHAN, P.S- PHULPARAS, DISTT.- MADHUBANI.
2. SURENDRA PASWAN S/O UMA PASWAN R/O VILLAGE-BELMOHAN, P.S- PHULPARAS, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hriday Narayan Harshit, Advocate
		Mrs. Malti Kumari, Advocate
For the Opposite Party/s	:	Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Phulparas P.S. Case No. 482 of 2022 registered under Sections 447, 341, 323, 354(B), 379 and 506/34 of the Indian Penal Code lodged on 11.10.2022 by the informant, Premlat Kumari.

3. As per the prosecution story, the informant alleged that while she was sleeping at home, Surendra Paswan and Uma Paswan entered the house outraged her modesty, as she raised alarm, her brother-in-law came and saved later they left but not without snatching the chain.



4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that only to implicate them, the same has been lodged. Earlier an FIR was lodged by the informant's side (wife of Uma Paswan) alleging outraging of modesty by Prayag Paswan and they pressurized to withdraw the FIR and having refused to do so, the present FIR.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that there is allegation of outraging the modesty.

6. Considering the allegation that has come as also that earlier a case was lodged by the petitioner's side with almost same story, FIR lodged and they will have to face the trial, this Court is inclined to grant them privilege of anticipatory bail

7. Let the petitioners, 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 ACJM-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 482 of 2022, 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 petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 their bail bonds;

(v) the petitioners 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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