

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20046 of 2024

Arising Out of PS. Case No.-56 Year-2023 Thana- BHEJA District- Madhubani

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1. Singheshwar Mahto S/o Asharphi Mahto R/o vill - Darah, P.S. - Bheja, Distt. - Madhubani
 2. Asharphi Mahto S/o Late Munni Lal Mahto R/o vill - Darah, P.S. - Bheja, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Shankar Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-04-2024 Heard Mr. Jay Shankar Kumar Yadav, learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bheja P.S. Case No. 56 of 2023 registered under Sections 341, 323, 354(B), 379, 420, 504 and 506/34 of the Indian Penal Code lodged on 24.06.2023 by the informant, Beli Devi.

3. As per the prosecution story, the informant has alleged that while she was in her house, accused persons armed variously came and these petitioners outraged her modesty as also assaulted her husband. He was later taken to the Primary Heary Health Centre and the reason is that the petitioner no. 1



has received Rs. 75,000/- for the sale of his land but the same was not returned, as her husband used to demand, he assaulted. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are neighbour and only due to enmity, false implication has been made. Further, nothing is on record to show whether the husband of the informant sustained any injury or not.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they assaulted and outraged the modesty.

6. Taking into account the submissions aforesaid as also that both the petitioners do not have criminal antecedent, there is no injury on record, FIR lodged and ultimately he will have to face the trial, this Court is inclined to grant 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 Additional Chief Judicial Magistrate-II, Jhanjharpur (Madhubani) in connection with Bheja P.S. Case No. 56 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 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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