

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27422 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- DESARI District- Vaishali

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1. MUKUL KUMAR @ MUKUL KUMAR SINGH S/O PRADUMAN PRASAD SINGH R/O VILLAGE- POHIYAR, P.S- DESARI (OP SAHDAYI), DISTT.- VAISHALI.
 2. SHALU KUMAR S/O SHIV SHANKAR SINGH R/O VILLAGE- POHIYAR, P.S- DESARI (OP SAHDAYI), DISTT.- VAISHALI.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shrawan Kumar, Sr. Advocate
		Mr. Krishna Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2024 Heard Mr. Shrawan Kumar, learned Senior counsel for the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Desari (OP Sahdei) P.S. Case No. 279 of 2023 for the offence under Sections 448, 341, 323, 354, 379, 504, 506 and 34 of the I.P.C. lodged on 07.08.2023 by the informant, Rekha Devi.

3. As per the prosecution story, the informant alleged that the accused persons including Sunny Kumar and Shivshanker Singh forcibly entered the house and after abuse, the allegation is of assault and outraging the modesty. Accordingly, the FIR.

4. Learned Senior counsel for the petitioners submit that whatever allegation is there, it is against Sunny Kumar and Shivshanker Singh. Regarding these petitioners, no specific allegation



has been made save and except that they are members of the family.

5. Learned APP opposes the prayer stating that their names are in the FIR.

6. Taking into account the submissions put forward by the parties as also that both the petitioners do not have any criminal antecedent and no overt act is/are attributed against them, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their 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 Additional Chief Judicial Magistrate, Vaishali in connection with Desari (OP Sahdei) P.S. Case No. 279 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 petitioners who shall provide official document to show their 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 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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