

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32681 of 2024

Arising Out of PS. Case No.-875 Year-2023 Thana- DIGHA District- Patna

Rahul Kumar S/o Late Umesh Ray R/o Mohalla - Ramjichak, Digha,
Bataganj, P.S. - Digha, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Digha P.S. Case No. 875 of 2023 for the offence under sections 356, 379 of the I.P.C. lodged on 05.11.2023 by the informant, Kiran Devi.

3. As per the prosecution story, the informant alleged that when she sat in the tempo, the named accuseds riding in it forced her to get out of tempo, slapped and took away the gold chain. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the place of occurrence is closer to Digha Police Station, still she took three days to lodge the FIR. Further, the present petitioner is mentally unsound.

5. Learned APP opposes the prayer.



6. Considering the kind of allegation, initially this Court was not inclined to extend him any relief, however, taking into account the delay in lodging of the FIR and the reason has not been explained, on the sole ground, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. 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, Patna, in connection with Digha P.S. Case No. 875 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 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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