

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40847 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- GURUA District- Gaya

Chootu Kumar @Kamlesh Kumar Mandal @ Chhotu S/O Piyo Mandal, R/O
Chansi, Tola- Baljori Bigha, P.S. Gurua, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Sudhir Kumar Sinha, the learned counsel
for the petitioner and Mr. Raj Ballabh Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Gurua PS Case No. 151 of 2023, FIR dated
23.03.2023, registered for the offences punishable under
Sections 442, 354(B) and 323 read with Section 34 of the Indian
Penal Code.

3. According to the prosecution case, the petitioner
tried to outrage the modesty of informant and when the family
members of the informant went to the house of petitioner for
protest, the co-accused persons abused and assaulted the family
members of the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and due to previous dispute between the parties, the present occurrence has taken place. He lastly submits that the date of occurrence as alleged in the FIR is 20.03.2023, but the present FIR has been lodged on 23.03.2023; afterthought, only to falsely implicate the petitioner.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioner has clean antecedent and FIR has been lodged after a delay of three days without giving any explanation, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya, where the case is pending in connection with **Gurua PS Case No. 151 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the



following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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