

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42612 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- DESARI District- Vaishali

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1. Abinash Kumar Son of Ajay Mahto R/O Village- Taiyabpur Bind Tola, P.S.- Desari, Dist.- Vaishali
 2. Pankaj Ray @ Pankaj Rai Son of Bishuni Ray @ Vishnu Dhari Ray R/O Vill.- Bajitpur Kasturi, P.S.- Desari, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Usha Kumari D/O Chandradeep Mahto R/O Vill.- Taiyabpur, Bind Tola, P.S.- Desari, Dist.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in Desari P.S. Case No. 01 of 2024, instituted for the offences punishable under Sections 341, 323, 354(B), 504,506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioners outraged modesty of the informant and asked her for her mobile number. They also threatened her that if she communicates the same to anyone then she will be killed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioner also submits that the petitioner no. 1 and the informant are neighbours and there is some land dispute between the parties. The petitioners are in custody since 04.01.2024. Petitioner no. 1 is a man of clean antecedent whereas, petitioner no. 2 has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Desari P.S. Case No. 01 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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