

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49560 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- BIHRA District- Saharsa

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Dharmvir Sharma Son of Umesh Sharma R/o Village- Panchgachhiya, P.S.-
Bihra, District- Saharsa Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Arvind Kumar Pandey (APP 84)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bihra P.S. Case No. 156 of 2023 for the offence under sections 376, 511, 504 of the I.P.C. lodged on 08.08.2023 by the informant, Budhiyar Devi.

3. As per the prosecution story, the informant alleged that on 03.08.2023, while she was sleeping on her roof, the petitioner came there and tried to commit rape. As she got up, forbade him, he threatened. When the lady raised alarm, he left threatening to kill. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that they are neighbours and from bare perusal of the FIR, it would appear that the occurrence took place on 03.08.2023 while the FIR was lodged on 08.08.2023. There is a counter version also lodged by the wife of the petitioner against the informant side. The last submission is that the petitioner has no criminal antecedent.



5. Learned APP opposes the prayer submitting that the petitioner tried to outrage the modesty of the lady when she was sleeping on her roof.

6. The situation which is prevalent in our society and the way the females are sexually assaulted, the recent incident of neighbouring State is a case in point, they need utmost protection. However, in the present case, there is a delay of five days and taking into account the aforesaid fact as also the fact that petitioner has got no criminal antecedent, a case has also been lodged by his wife, as per the undertaking given by the petitioner that he will be diligently appearing in trial and will have no business with the lady at any point of time, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner, named above, 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, Saharsa in connection with Bihra P.S. Case No. 156 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the following



conditions:-

- (i) one of the bailor should be the family member/relative 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 one year 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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