

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65008 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- CHARPOKHARI District- Bhojpur

Anil Sah @ Anil Kumar Son of Salendra Sah R/O Vill.- Nagri, P.S.-
Charpokhari, Dist.- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Charpokhari P.S. Case No. 74 of 2024 instituted under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code lodged on 29.03.2024 by the informant, Sumitra Devi.

3. As per the prosecution story, the informant alleged that this petitioner (Dewar) alongwith Mannu Sah came and tried to outrage her modesty. Upon alarm, the other family members also joined them in assault. When his brother and nephew came to the rescue, the allegation against Mannu Sah and Shailendra Sah is/are of assaulting on the head of his nephew causing injury and he was rushed to the Government Hospital for treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is



a student, exaggerated FIR is there, no role of assault is on him and further he is ready to undertake any condition, if granted reliefs.

5. Learned APP Mr. Bharat Bhushan opposes the prayer submitting that he as per the allegation he tried to outrage the modesty of his sister-in-law (Bhabhi).

6. Though allegation is there, the petitioner is a student, do not have criminal antecedent, the main allegation of assault is against Mannu Sah and Shailendra Sah, he has undertaken to cooperate in the investigation and will be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Charpokhari P.S. Case No. 74 of 2024 to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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