

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64981 of 2024

Arising Out of PS. Case No.-505 Year-2023 Thana- BHORE District- Gopalganj

Munna Bhagat @ Munna kumar Son of Late Ramashish Bhagat R/O -
Rudarpur, Rudalpur, P.S.- Bhore, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhore P.S. Case No. 505 of 2023 for the offence registered under sections 341, 323, 324, 307, 354B, 379, 385, 504 and 34 of the IPC lodged on 11.10.2023 by the informant Jitendra Kushwaha.

3. As per the prosecution story, the informant alleged that when the wife had gone to attend the nature's call, the accused persons caught hold of her, tried to outrage her modesty, when this was protested and the informant reached there, the assault took place in which sustained injury on her head. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



there is case and counter case, the case of the petitioner being the earlier one, he do not have criminal antecedent and further the injury of the wife has been found to be simple in nature.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant's wife after checking the credentials.

6. Learned APP for the State, Mr. Jitendra Kumar Singh on the other hand, opposes the prayer for anticipatory bail submitting that no way it has come that the injury has been found to be simple in nature.

7. Learned counsel for the petitioner submits that to the best of his knowledge, the injury of the lady has been found to be simple in nature and if the statement is incorrect, the relief if granted be considered canceled.

8. Taking into account the aforesaid facts as also the submissions put forward by the parties and the fact that there is a counter case which is earlier to the present one, the petitioner



do not have criminal antecedent and as per his submission, the injury has been found to be simple in nature, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000 to the informant's wife as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court. However, if it is found that the statement regarding any injury is incorrect, the order shall become infructuous.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Gopalganj in connection with Bhore P.S. Case No. 505 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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