

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64504 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Rinkal Kumar @ Rinkal @ Chhotu S/o Late Sudist Singh R/o Village- Jita
Chhapra, PS- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Yugal Kishore, learned counsel for the

petitioner and Md. Aslam Ansari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sahebganj P.S. Case No. 29 of 2023, F.I.R. dated 25.01.2023 for the offences punishable under Sections 341, 323, 324, 354B, 376, 504, 506 and 511 of the Indian Penal Code.

3. According to prosecution case, on non-availability of the husband of the informant, petitioner tried to outrage the modesty 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. He further submits that from a



bare perusal of the FIR it appears that there is no case made out under Section 376 of the Indian Penal Code. He further submits that informant is sister-in-law of the petitioner and due to admitted land dispute she has filed the present case only to harass the petitioner and his family members to settle the dispute with the informant. He further submits that the date of occurrence as alleged in the so called complaint petition is 10.06.2022 but the victim has filed a complaint petition which is converted into the present FIR on 14.06.2022 after delay of four days.

5.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, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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, West, Muzaffarpur in connection with Sahebganj P.S. Case No. 29 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

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

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 court below 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 court below 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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