

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71870 of 2024

Arising Out of PS. Case No.-494 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Golu Kumar S/o Sunil Kumar Prasad @ Sunil Mahto Resident of Village- Karinga Musehari, PS- Muffasil, District- Saran
2. Nishu Kumar S/o Sunil Kumar Prasad @ Sunil Mahto Resident of Village- Karinga Musehari, PS- Muffasil, District- Saran
3. Sachin Kumar S/o Raju Mahto Resident of Village- Karinga Musehari, PS- Muffasil, District- Saran
4. Jhhunu Kumar S/o Raju Mahto Resident of Village- Karinga Musehari, PS- Muffasil, District- Saran
5. Sita Devi W/o Sunil Mahto Resident of Village- Karinga Musehari, PS- Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shatrughna Pandey, Advocate.
For the State	:	Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The petitioners seek bail, apprehending their arrest, in connection with Chapra Muffasil P.S. Case No. 494 of 2020 dated 4.11.2020 registered for the offences punishable under Sections 323, 341, 324 and 354/34 of the Indian Penal Code.

3. As per allegation, the petitioners have outraged the modesty of the informant and on protest she was assaulted.



4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that finding the case untrue the Police has already given benefit of Section 41A Cr.PC to the petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have got no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge V, Saran at Chhapra, in connection with Chapra Muffasil P.S. Case No. 494 of 2020, subject to the conditions as laid down under Section 438 (2)



Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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