

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78313 of 2023**

Arising Out of PS. Case No.-22 Year-2022 Thana- MAHILA P.S. District- Madhepura

KUSHESHWAR DAS Son of Late Aghnu Das R/o vill - Bhirkhi Mission
Road, ward no. 22, P.S. - Madhepura, Distt. - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rabia Gulnaz, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2024 Heard Mrs. Babia Gulnaz, learned counsel for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending arrest in connection with Madhepura Mahila P.S. Case No. 22/2022 instituted under under Section 448, 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code lodged on 13.5.2022 by the informant, Saroj Devi.

3. As per the prosecution story, the informant has alleged that the accused persons including this petitioner entered her court-yard and after using abusive words, assaulted her. Further allegation is of taking away her jewellery/household articles. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the allegation is of 9.5.2022 whereas the FIR was lodged on 13.5.2022. The allegation is omnibus in nature, he has clean



antecedent.

5. Learned APP opposes the prayer stating that he was one of the accused persons who assaulted the informant.

6. Taking into account the fact that the allegation made in the FIR is omnibus in nature, there has been delay in lodging the FIR, this Court is inclined to extend him 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 Madhepura Mahila P.S. Case No. 22/2022 to the satisfaction of learned S.D.J.M., Madhepura 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 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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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