

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85410 of 2023**

Arising Out of PS. Case No.-700 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

BIRENDRA BIND SON OF DHANNU BIND RESIDENT OF VILLAGE-
DUDHRA, PS- BHABUA, DIST- KAIMUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard Mrs. Kumari Anupam, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhabua P.S. Case No. 700 of 2023 for the offence registered under sections 341, 323, 337, 354(B), 427, 448, 504 and 34 of the Indian Penal Code lodged on 27.07.2023 by the informant, Reeta Devi.

3. As per the prosecution story, allegation is that the petitioner entered the house of the informant in a drunken stage and tried to outrage her modesty stating that they have sent ghost in his house. Further allegation is of throwing stones on his house which damaged her asbestos. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



there is a case and counter case, a bare perusal of the FIR would show that it has been exaggerated as a neighbour cannot outrage the modesty of a lady residing nearby, as they are of the same place.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute 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 after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

7. Taking into account the submissions put forward by the parties as also that the petitioner do not have criminal antecedent, there is a case and counter case, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 10,000/- by the petitioner, as stated above and undertaken by the learned Counsel for the petitioner.

8. 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 Court of C.J.M., Kaimur at Bhabua in connection with Bhabua P.S. Case No. 700 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 member 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;

9. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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