

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3414 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- EKANGARSARAI District- Nalanda

Birman Bind S/o Kameshwar Bind, R/o Village- Bisunpur, PS- Ekangar Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Rajeev Kumar, the learned counsel for the petitioner and Mr. Pramod Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ekangar Sarai PS Case No. 161 of 2023, FIR dated 04.08.2023, registered for the offences punishable under Sections 379, 354(B), 323, 326, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along with other co-accused persons entered into the house of the informant with malafide intentions and tried to outrage her modesty and upon resisting they started assaulting her by means of *iron-rod, lathi, sticks* and *fists* due to which she suffered injuries and fell down. It is further alleged that one Sarmila Devi

snatched the golden chain of the informant worth Rs. 8,000/- (Rupees eight thousand). It is also alleged that when the family members of the informant tried to rescue her, they were also assaulted by the accused persons.

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 upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 16.07.2023, but the present FIR is instituted on 04.08.2023, after a delay of about 18 days without giving any reason for the delay. He further submits that there is no specific allegation of assault or overt act, rather there is specific allegation that the petitioner has assaulted the informant with fist and there is no injury report available on record to suggest that the informant has received any injury.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is delay of about 18 days in the institution of the FIR without giving any proper reason, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a

period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-I, where the case is pending in connection with **Ekangar Sarai PS Case No. 161 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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