

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3882 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- AUANGARI District- Nalanda

Prabhat Pandey @ Prabhat Kumar Son of Manikant Pandey Resident of Vill-
Parikh, P.S.- Aungari, District- Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Anil Kumar Singh, learned counsel for

the petitioner and Mrs. Asha Devi, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Aungari P.S. Case No. 82 of 2024, F.I.R. dated 12.10.2024 for the offences punishable under Sections 126(2), 115(2), 74, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, when the informant went to attend nature's call then this petitioner caught her and tried to outrage her modesty. It is further alleged that the petitioner along with other accused persons assaulted the informant's husband and also snatched gold chain and Rs. 5,000/- cash from them and threatened the informant and her family members for dire consequences.

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 the present case is the counter blast of Aungari P.S. Case No. 81 of 2024 lodged by the petitioner against the informant's husband and others on 09.10.2024. He further submits that it appears from the present F.I.R that the date of occurrence as alleged in the F.I.R is 09.10.2024 but the present F.I.R has been instituted on 12.10.2024 i.e. after delay of about three days, after thought only to falsely implicate the petitioner in the present case. He further submits that the petitioner has been falsely implicated in this case due to the previous case i.e. Aungari P.S. Case No. 81 of 2024 and no such occurrence has taken place.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and due to previous case the petitioner has falsely implicated in this case, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in



connection with Aungari P.S. Case No. 82 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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