

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18989 of 2025

Arising Out of PS. Case No.-7036 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Jyotish Gope @ Jyotish Kumar Son of Sri Suresh Rai Resident of Village- Sri
Ram Path, Krishna Tola, B.K.Dutta Lane, New Jakkanpur, P.S.- Jakkanpur,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi @ Sarita Sinha Wife of Sri Sharwan Kumar @ Upendra Kumar
Resident of Village- New Area, Jakkanpur, Krishna Tola, Ram Path Road,
P.O.- G.P.O., P.S.- Jakkanpur, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner; learned
counsel for the complainant and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 7036 (c)/2024, instituted for the offence
punishable under Sections 341, 323, 354, 380 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that petitioner
along with other accused persons disconnected the electricity
connection of complainant's house. It is further alleged that
when the complainant protested then petitioner pointed out
pistol and threatened to kill her and her husband. It is further



alleged that petitioner along with other accused robbed away the valuable articles along with some cash. It is also alleged that the petitioner tried to outrage the modesty of complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the younger step brother of the husband of the complainant. From bare perusal of the complaint case, it appears that some altercation on account of disconnection of electricity took place between the parties. It is further submitted that police of the concerned police station called both the parties and settled the dispute. It is further submitted that the allegation of theft against the petitioner is false. Nothing has been recovered from the conscious possession of the petitioner. It is also submitted that only on the basis of suspicion, the petitioner has been made accused in this case. It is next submitted that other co-accused persons have been granted anticipatory bail by the learned lower Court itself. The anticipatory bail of the petitioner has been rejected only on the basis of criminal antecedents. Lastly, it has been submitted that petitioner has six criminal cases against him.

5. Learned A.P.P. and learned counsel for the complainant vehemently opposed the prayer for bail of the



petitioner and submitted that allegation against the petitioner is serious in nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 7036 (c)/2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 2nd Class, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate



the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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