

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22212 of 2025

Arising Out of PS. Case No.-524 Year-2024 Thana- NAGAR District- Vaishali

Nagdeo Kumar Singh @ Nagdeo Kushwaha Son of Late Muneshwar Singh
Resident of Village-Bagmali, Near Kushwaha Field, P.S.-Town, Distt.-
Vaishali, at Hajipur, Bihar Presently R/O- Village- Andharabar,
(Bateshwarnath) Panapur, P.S.- Jandaha, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Town P.S. Case No. 524 of 2024 for the offence registered under sections 329(4), 76, 109, 115(2), 3(5) of the BNS, 2023 lodged on 23.07.2024 by the informant, Arti Kumari.

3. As per the prosecution story, the informant who is tenant of the present petitioner alleged that on the fateful day, the petitioner along with others entered, asked her to prepare food and then tried to press her neck. Upon objection, she was assaulted. The allegation is also of sexual assault (*zabardasti kiya*). This led to the FIR.

4. Learned counsel for the petitioner submits that for long, they are residing without payment of rent, on demand, the



present FIR.

5. He further submits that though there is allegation of sexual assault, nowhere in the case diary, there is any medical examination of the lady nor she volunteered to do it, he shall be co-operating in the investigation and shall be diligently appearing in the trial.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation is there against him.

7. Taking into account the aforesaid facts as also that though allegation is there, it is not clear whether there is allegation of outraging the modesty or she was sexually assaulted in absence of any medical report in the case diary. The petitioner has no criminal antecedent and as per the paragraph 11 of the petition, he is also a handicapped person being affected by polio, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

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 Chief Judicial



Magistrate, Vaishali (Hajipur) in connection with Town P.S.
Case No. 524 of 2024 subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family
members/relatives 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.

(Rajiv Roy, J)

Vijay Singh/-

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