

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55751 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -KADWA District- KATI HAR

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Purushottam Biswas, Son of Sadanand Biswas, resident of Village-
Kachora, Police Station- Kadwa, District- Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party : Mr. Arun Kumar Singh -5 (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 23-01-2017 Supplementary affidavit has been filed on behalf of

the petitioner, let it be kept on record.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kadwa
P.S Case No. 79 of 2016 registered for the offences punishable
under Sections 323, 376, 504/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the
petitioner has been implicated in a false case on the basis of
complaint petition in the body of the complaint, the date of
occurrence is mentioned as 28.03.2016 whereas in para 3 it is
mentioned as 18.03.2016 and thereafter the complaint case was
lodged on 12.04.2016. The statement of the victim has been



recorded under Section 164 Cr.P.C. on 19.07.2016 wherein she has stated that occurrence is of ten days ago only and, as such, the petitioner who is suffering in custody in this false case now deserves sympathetic consideration.

Learned A.P.P. is not in a position to distinguish all these dissimilarities.

In the facts and circumstances stated above, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Katihar, in connection with Kadwa P.S. Case No. 79 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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