

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48552 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- JAMUI District- Jamui

PAWAN SINGH Son of Awadh Singh Resident of village - Kundri, P.S.-
Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Jamui
P.S. Case No. 39 of 2022 registered for the offences punishable
under Sections 341, 323, 435, 354B, 379, 504/34 of the Indian
Penal Code read with Section 27 of the Arms Act.

As per prosecution case, the informant was busy at
her paddy crop field. The present petitioner came and pushed
her down and started doing mischievous conduct with her.
When the same was protested by the informant, petitioner
started abusing her. It is alleged that petitioner tore her cloth and
disrobed her by removing her sari and tried to outrage her



modesty. When husband of informant raised alarm, accused petitioner put paddy crop on fire causing loss of Rs. 25,000. Co-accused Manorath Singh fired upon husband of informant and he was rescued by the persons nearby.

Learned counsel for the petitioner submits that petitioner is in custody since 17.05.2022. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. The mother of the petitioner filed complaint case bearing Complaint Case No. 75C of 2022 on 31.01.2022 against the informant, her husband and others prior to the present case in which cognizance has already been taken against the informant and others. Learned counsel for the petitioner submits that in order to save the skin from the aforesaid complaint case, the present case has been filed in the counter reaction of the aforesaid case. Moreover, the matter relates to land dispute between the parties prior to lodging of the present case and the petitioner has been falsely implicated in this case due to personal grudge. From the version of FIR petitioner has been falsely implicated just on account of pressure tactics. Moreover, no offence under Section



435 and 354B of Indian Penal Code is made out in the light of the aforesaid facts and circumstances of the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 39 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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