

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28605 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- MAHILA P.S. District- Siwan

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ARUN KUMAR SAH @ ARUN SAH SON OF PASHUPATI SAH R/O-
DEENDAYALPUR, P.S.-G.B. NAGAR TARWARA, DISTT.-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard Mr. Y.C. Verma, learned senior counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Siwan Mahila P.S. Case No. 03 of 2023 registered for the offence under Sections 341, 323, 376, 506 of the Indian Penal Code and Section 66 (C), 67, 67(A) of the I.T. Act.

The petitioner is alleged to have established physical relation with the informant and taken some photographs and also made video of her on the pretext of marriage and thereafter refused to perform marriage with her with threatening that he will upload all photographs and videos on social media.

Learned senior counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further



submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 22.12.2022 whereas the instant F.I.R. has been lodged on 28.01.2023 after more than one month without any explanation. He further submits that the petitioner happens to be brother in the law of the victim. He further submits that except statement of the victim, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence even the medical evidence does not support the allegation against the petitioner as alleged in the F.I.R. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 30.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Siwan in connection with Siwan Mahila P.S. Case No. 03 of 2023 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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