

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49748 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- SATHI District- West Champaran

1. Arshad Alam Son Of Multan Shekh Resident Of Village- Chand Barwa, Ps-Sathi, Dist- West Champaran
2. Ashraf Alam Son Of Amjad Alam Resident Of Village- Chand Barwa, Ps-Sathi, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 341, 342, 323, 427, 379, 354, 354A, 376, 376D of the IPC.

As per prosecution case, the allegation against the petitioners and co-accused persons is that they outraged the modesty of the informant and also committed rape with her.

Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case merely on the



basis of confessional statement of co-accused which is not admissible in the eye of law. It is submitted that an altercation held between the members of orchestra group and co-accused, namely, Firhad Alam @ Laddan on account of poor and dirty performance by the orchestra party and due to which, the orchestra program was compelled to be stopped at premature stage. When, the person who had hired the orchestra program denied to make full payment of orchestra program then the owner of the orchestra instigated the informant to file this alleged case. It is further submitted that the petitioners have got no criminal antecedent. Moreover, they have been languishing in judicial custody since 12.05.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sathi P.S. Case No. 90 of 2023 on furnishing bail bond of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to
the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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