

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53550 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- SAHPUR District- Bhojpur

Munna Tiwary Son of Mahendra Tiway Resident of Village -Dhanwal, P.S.-
Shahpur, Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 250 of 2023, registered on 09.06.2023 for the offences under Sections 457, 380 and 354D of the Indian Penal Code.

3. As per prosecution case, a theft was committed in the house of the informant and a number of ornaments of silver and gold worth Rs. Four lakhs were stolen. The thief also took away Rs. One lakh in cash. Further case of the prosecution is that the petitioner assured the informant that in lieu of sexual favour from the informant he will get her back the ornaments and cash. Further allegation against the petitioner is that he sent



obscene messages from his mobile phone to the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is agnate of the husband of the informant and the mother of the petitioner was candidate of Mukhiya and her candidature was opposed by the family members of the informant and due to this reason and some land dispute, the instant case has been lodged against the petitioner. Learned counsel further submits that the occurrence took place on 03.06.2023 but the FIR was lodged on 09.06.2023 which causes suspicion. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The allegation of sending obscene messages and demanding sexual favour would come only under bailable sections of the IPC. Learned counsel further submits that the petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the mobile phone of the petitioner was seized and it is being checked for the messages which was sent by the petitioner to the informant. Learned counsel further submits



that the petitioner assured the informant that her stolen articles would be returned if she accepts the proposal of the petitioner of sexual favour. Even the father and elder brother of the petitioner agreed to pay Rs. Two lakhs to the husband of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner which is not supported with any material, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bhojpur at Ara/concerned court in connection with Shahpur P.S. Case No. 250 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court



below, if so required by the learned trial
court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

