

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78977 of 2023

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

Kalim Alam @ Md Kaleem Son Of Abulaish Shaikh @ Sheikh Abulaish R/O
Vill - Barwa Kalan, P.S. - Sathi, Distt.- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Chandra

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has 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 petitioner 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 petitioner is innocent and has committed no offence. He has 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 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. The statement of the victim girl has recorded under Section 164 of the Cr.P.C., in which she does not disclose the name of the petitioner. The medical report of the victim has not supported the prosecution case. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he has been languishing in judicial custody since 05.08.2023.

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 petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is 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 Additional Chief Judicial
Magistrate-II, Bettiah, West Champaran.

manishkumar/-

(Sunil Kumar Panwar, J)

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