

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79579 of 2023

Arising Out of PS. Case No.-517 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Bittu Singh S/O Surendra Singh R/O O.T. Para, P.S.- Katihar (SAHAYAK),
Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Katihar Nagar Sahayak P.S. Case No. 517/2023 registered for
the offences punishable under Sections 341, 342, 323, 354(B),
448, 504, 506 of the Indian Penal Code and Section 37 of the
Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the informant was in her
house suddenly the petitioner entered into the house in drunken
condition and on the point of knife made indecent behaviour
which was objected by the informant upon which the petitioner
thrashed the informant. It is also alleged that the petitioner
threw knife on the informant. On hulla, the local person came
there and caught the petitioner with the knife.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 12.07.2023 and bears criminal antecedent of two cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that there is petty dispute between the informant and the petitioner and due to which he has falsely been roped in this case. He further submits through supplementary affidavit that no injury has been received by the informant and therefore, no case is made out against the petitioner as alleged in the FIR. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with



Katihar Nagar Sahayak P.S. Case No. 517/2023, 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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