

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6836 of 2024

Arising Out of PS. Case No.-161 Year-2019 Thana- BARSOI District- Katihar

Abhay Dev Sharma @ Abhay Devi Sharma @ Abhay Das S/O- Lalu Dev Sharma @ Lalu Das R/O- Village- Mochra Dangi (Karanpur), P.S.- Barsoi (Kachna), District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barsoi (Kachna P.S. Case No. 161 of 2019, registered on 23.06.2019 for the offences under Sections 379 and 354B of the Indian Penal Code.

3. As per prosecution case, the petitioner tried to outrage the modesty of the minor informant and also snatched her gold chain and earring.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that the FIR has been lodged after six days of the occurrence without any plausible explanation. There is ongoing dispute between the parties and



family of the informant and family of the petitioner are parties in a proceeding under Section 107 of the Code of Criminal Procedure bearing Case No. 669M of 2019. The father of the petitioner has long standing dispute with the family of the informant over passage of the lane and for this reason a number of altercation and scuffles had taken place. The father of the petitioner has instituted Barsoi (Kachna) P.S. Case No. 191 of 2019 against Sebu Das and others of the family of the informant. The petitioner has become a victim of long standing dispute between two family. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the background of previous dispute between the parties, 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.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Katihar/concerned court in connection with Barsoi (Kachna) P.S. Case No. 161 of 2019, 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)

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