

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18887 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- SIDHWALIYA District- Gopalganj

Akash Kumar @ Akash Sah S/O Late Deeplaal Sah R/O Village- Bazaar
Khajuria @ Khajuria, P.S- Sidhwaliya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the State : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Setu Prateek, learned counsel for the

petitioner and Mr. Aditya Narayan Singh.1, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sidhwalia P.S. Case No. 350 of 2023, F.I.R. dated 25.11.2023 for the offences punishable under Sections 341, 323, 354(b), 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have outrage the modesty of the daughter of the informant and on protest he assaulted her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the informant and petitioner are neighbour and agnates to each other



and there is old family dispute with respect to boundary wall between the parties. He further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 01.11.2023 but the present FIR instituted on 25.11.2023 after a delay of 24 days afterthought only to falsely implicate the petitioner in the present case.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent and there is case and counter case between the parties and the present FIR instituted after 24 days of the alleged occurrence, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st Gopalganj in connection with Sidhwalia P.S. Case No. 350 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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