

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28613 of 2024

Arising Out of PS. Case No.-69 Year-2022 Thana- SIKTI District- Araria

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Sah Ismail @ Ismail Son of Mokhtar Resident of Village- Salgudi, P.S.- Sikty,
Dist.- Araria.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Shekhar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-08-2024 Heard Mr. Tarun Shekhar, learned counsel appearing

on behalf of the petitioner and Mr. Kalyan Shankar, learned APP

appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Sikti P.S. Case No. 69 of 2022 registered for the offence
punishable under Sections 147, 149, 341, 323, 379, 363, 365,
504 and 506 of the Indian Penal Code.

3. Petitioner has renewed the prayer for grant of pre-
arrest bail, which was earlier disposed of, directing the
petitioner to surrender before the Court below and seek regular
bail.

4. Learned counsel appearing on behalf of the
petitioner submitted that the victim has been recovered and two
contradictory statements have been given by her - first on
26.07.2022, in which no specific allegation has been made



against the petitioner, and subsequently, the second statement on 29.05.2023, in which she has denied the allegation made in the FIR and has stated that she on her own, had eloped with the petitioner.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that the petitioner has renewed his prayer for grant of pre-arrest bail in peculiar facts of the case that the subsequent statement of the victim was recorded on 29.05.2023, soon after the prayer of the earlier application of the petitioner was disposed of vide order dated 09.05.2023 passed in Cr. Misc. No.46863 of 2022, in which she has not made any specific allegation against the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Sikti P.S. Case No. 69 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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