

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35491 of 2024

Arising Out of PS. Case No.-11 Year-2019 Thana- ISHUPUR BARAHAT District- Bhagalpur

Shayam Sundar Das @ Shyam Sundar Kumar Das S/o Late Ram Chandra
Das R/o vill - Rifatpur, P.S. - Ishipur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Ishipur Barahat P.S. Case No. 11 of 2019 registered for the alleged offences under Section 147, 149, 341, 323, 307, 354, 379, 448, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, the allegation against the petitioner is that he along with other co-accused persons assaulted the informant and her family members and also disrobed the informant. They also took away Rs.50,000 cash and other articles from the house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

There is no specific allegation against the petitioner for any wrongful act. The allegation of assault on the husband of the informant is against co-accused Mahendra Das and Sumand Kumar whereas allegation of assault against the informant is specific against co-accused Surendra Das and Liliya Devi. The allegation of disrobing informant is against co-accused Sumand Kumar and that of sexual assault is against Mahendra Das and Surendra Das. The allegation of theft is general and omnibus and is not believable and appears to be super addition. Learned counsel further submits that there is no material against the petitioner who is having no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vagueness of allegation against the petitioner and further considering lack of substantive material against the petitioner, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate, Ist Class, Bhagalpur in connection with Ishipur

Barahat P.S. Case No. 11 of 2019, subject to the condition 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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