

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44806 of 2024**

Arising Out of PS. Case No.-883 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Bittu Kumar Bhagat @ Bittu Kumar S/o Awdhesh Bhagat R/o Village-  
Bharauli, P.S.-Sonbarsha, District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      25-09-2024                      Heard learned counsel for the petitioner and learned  
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Saharsa  
Sadar P.S. Case No. 883 of 2023 instituted for the offences  
under Sections 420, 406, 376, 379, 384, 342, 366, 504, 506 &  
34 of the Indian Penal Code.

3. As per prosecution case, the accusation has been  
made against the present petitioner that he along with his  
*Bahnoi* and 4-5 other unknown persons came at the house of the  
Informant and, at the gun point, took away jewellery worth Rs.  
10 lakh, Rs. 2 lakh in cash and also kidnapped her along with  
her child with a motive to solemnize the marriage with her. It is  
also alleged that the petitioner took the Informant to an



unknown place and committed rape upon her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to previous enmity. He further submits that the date of occurrence is 04.12.2023 but, the F.I.R. was instituted on 13.12.2023 i.e. after delay of 9 days which creates doubt in the prosecution case. Even not a single witness has come forward to support the prosecution version. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.03.2024 without any rhymes or reason. Learned counsel for the petitioner further submits that the petitioner has already solemnized marriage with the Informant. Charge-sheet has been submitted in this case under Sections 420, 406, 376, 506 of the I.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The petitioner is named in the F.I.R. and, hence, he does not deserve



bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having been solemnized marriage with the victim, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 883 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

**(Rudra Prakash Mishra, J)**

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