

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47505 of 2024

Arising Out of PS. Case No.-634 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Ajay Kumar S/O Late Sharda Das @ Shardha Das R/O village -Chaturi
Punas, Chhoti kothiya, P.S.-Ahiyapur, Distt-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with a case
registered for the offence punishable u/s 376 of the IPC.

3. As per the prosecution case, allegation against the
petitioner is that he entered into the house of the informant and
committed sexual assault upon her.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to enmity. There
is no specific overt act against the petitioner. It is submitted that
the medical report of the informant does not reflect any sign of
sexual assault. The real fact is that the sister of the petitioner
was ravished by one Ashok Kumar, for which, Ahiyapur P.S.



Case No.116/2020, u/s 376 IPC and under POCSO Act was lodged by the brother of the petitioner and to obtain compromise in the said case, this false case has been lodged by the informant, who happens to be the daughter-in-law of the 'Sarhu' of Tuntun Sahani namely Faujdar Sahani as Ashok Kumar is the son of Tuntun Sahani. The petitioner has no criminal antecedent and has been rotting in judicial custody since 17.02.2024.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of this case and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Ahiyapur P.S. Case No.634 of 2022.

7. However, petitioner is directed to co-operate in the trial and if he fails to appear before the Court below on two consecutive dates, his bail bond shall be cancelled by the learned court below itself.

(Anjani Kumar Sharan, J)

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