

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63814 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

Alisher Sah @ Munna Sah @ Munna S/O Manir Sah Resident Of Village-
Barmasiya, P.S- Ishipur (BARAHAT), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 452, 341, 323, 325, 379, 376, 506/34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases out of which one case was instituted by this informant and the other one is instituted by her husband. It is next submitted that petitioner has been falsely implicated by the informant alleging that he entered her room on 28.05.2023 and committed rape. It is further submitted that the petitioner is own brother of the husband of the informant and they are having dispute relating to property, it is further submitted that the husband of the informant instituted



Sabour P.S.Case 316 of 2023 dated 09.06.2022 against the present petitioner his father and mother. It is next submitted that in the FIR instituted by the husband of the informant against the present petitioner, there is no allegation that petitioner committed rape upon the informant. It is further submitted that informant instituted instant FIR on 22.06.2023 that is after a delay of 25 days. It is thus submitted that since husband of the informant and the petitioners are own brother and they are having dispute relating to property as such in order to coerce the petitioner into, submission, the present false case has been instituted. It is also submitted that had the petitioner committed rape upon the informant, then her husband while instituting Sabour P.S.Case No. 316 of 2023 would have brought the said fact in the said FIR also. It is next submitted that there is no injury report on the record.

4. Learned A.P.P opposes the bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs,. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate,
Bhagalpur in connection with Ishipur(Barahat) P.S.Case No. 85
of 2023 subject to the conditions laid down under section 438(2)
of the Cr. P.C.

(Satyavrat Verma, J)

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