

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71245 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Amit Kumar S/O Late Anil Kumar @ Late Anil Kumar Das R/O Village-
Chhotaki Sanadiya, P.S- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Prasad Singh, Adv.

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

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

ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Ara Muffasil P.S. Case No. 46 of 2024 instituted for the offences under Sections 341, 323, 307, 376, 504, 506 of the Indian Penal Code.

3. As per prosecution case, on the alleged day of occurrence, the Informant was cutting grass. In the meantime, an unknown person came there and given a *Danda* blow upon her face and tried to outrage her modesty. On *Hulla*, Uday Koiri came there whereupon the said person tried to flee away from there but, the villagers caught him. On query, he disclosed his name as Amit Kumar, the petitioner.



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. He further submits that though the Informant in the statement made under Section 164 Cr.P.C. has corroborated the allegations made in the F.I.R. but, her medical report does not support the prosecution case as the same does not show any sign of sexual assault meted upon her. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.02.2024, without any rhymes or reason.

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 against the petitioner is serious in nature. In the re-statement of the Informant contained in Para-2 of the case diary, she has supported the prosecution case. The witnesses in Para 44 & 45 have also supported the prosecution case. The victim has also corroborated the version of prosecution case in her statement recorded under Section 164 of the Cr.P.C. and, hence, the petitioner 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 no criminal antecedent, 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 Ara Muffasil P.S. Case No. 46 of 2024, 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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