

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85094 of 2024

Arising Out of PS. Case No.-713 Year-2024 Thana- SHASTRINAGAR District- Patna

Shivam Dubey S/O Manmohan Dubey Resident of Mohalla- Mithapur, P.S-
Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Shastri
Nagar P.S. Case No. 713 of 2024 instituted for the offence under
Sections 126(2), 115(2), 76, 144(2), 79, 352, 351(2), 3(5),
324(4), 303(2) of the Bharatiya Nyaya Sanhita, 2023 and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case on 13-09-2024, the
informant was lured by one '*Ankit Kumar*' to a house in A.G.
Colony under the pretense of a birthday party. Upon arrival, she
found a liquor party instead and attempted to leave, but was
forcible taken to a bed by several accused persons, who
committed obscene acts and stolen Rs. 10,000/- from her purse.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14-09-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that no such occurrence took place. There is no allegation of outraging the modesty against the petitioner. There is no recovery of torn clothes from the place of occurrence, which creates serious doubt on the prosecution case. Learned counsel goes on to submit that petitioner was not arrested in an inebriated condition. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witnesses have supported the prosecution case. Referring to paragraph No. 71 of the case diary, it is submitted that victim in her statement recorded under Section 183 of the BNSS, 2023 has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is



inclined to grant bail to the petitioner.

8. Let the petitioner 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 Shastri Nagar P.S. Case No. 713 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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