

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86989 of 2024

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

Ankit Kumar Son of Tripurari Singh Resident of Mohalla-Shiekhpora, Durga
Ashram Gali, B.V. College, P.S.-Shastri Nagar, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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

ORAL ORDER

2 16-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

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 taken to a party by the petitioner, where she was
restrained and misbehaved by several accused persons and her
clothes were torn, and Rs. 10,000/- was stolen.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 15-09-2024. Petitioner



bears no criminal antecedents, 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. It is submitted that there is no specific allegation attributed to the petitioner. There is no independent witness to the occurrence. Learned counsel next submits that there is no averment of any overt act alleged by the informant against the petitioner in her statement recorded under Sections 180 & 183 of the BNSS, 2023. Nothing has been recovered from the conscious possession of the petitioner. It is alleged that there is recovery of 150 Ml of English liquor, that too from the room of other co-accused.

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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