

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22703 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- DIDARGANJ District- Patna

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Mukesh Jha, aged about 40 years, Male, Son of Mohan Jha, Resident of Village-Pindaruch, P.S-Kamtaul, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanat Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Murli Dhar, APp

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 376/511 of the Indian Penal Code.

The prosecution story as disclosed in the FIR is based on the written (application) statement made by the first informant and as per the said statement dated 05.02.2019, the informant was travelling from Ramgarh to Darbhanga in Shiv Jyoti Bus and his wife Mamta Devi was sleeping on sleeper and the informant was sitting on the seat underneath. It is alleged that at around 4 AM, the petitioner climbed on the sleeper and attempted molestation and rape and then the victim started weeping and crying for help. The accused allegedly asked her to keep silence and get money.



On raising alarm, the informant and other co-passengers caught hold of the petitioner who disclosed his identity.

Learned counsel for the petitioner stated that the petitioner is innocent and has not committed any offence. The petitioner is co-driver in the bus concerned. The Bus started from Ranchi on 04.02.2019 at 17:30 PM. Around 5 kilometer after Ramgarh, the lady concerned namely Mamta boarded in the bus and she was alone. After around 50 km. from Ramgarh informant boarded the bus. At a line hotel near Kodarma, the bus stopped where the passengers and staff of the bus took refreshments. There the informant gifted a packet of sweets to the driver who unwillingly kept with him. After travelling for one hour from Ramgarh, the informant climbed the sleeper seat where Mamta was sleeping alone. Being responsible staff, the petitioner objected and scolded the informant for his attempt to harass the lonely lady in the bus. Then the informant went back to his seat. At around 4 AM, the informant again went up to the sleeper seat of the victim and was rubbing the body of Mamta Devi. On seeing this, the petitioner again objected and scolded the informant. On this Mamta Devi raised alarm and said that petitioner was harassing her and she disclosed that informant was her husband. The passengers who had seen the incident and who were eyewitnesses, tried to explain the incident to the public and police but the



petitioner was arrested. In fact, the petitioner was trying to save the lady from harassment/sexual assault at the hands of informant since he did not know of the relationship of the victim and the informant. The informant was trying to create obscene environment in the bus and when objected, lodged false FIR against the petitioner. Even some co-passengers of the bus narrated the incident to the police but petitioner was arrested from the place of occurrence.

Learned counsel for the petitioner further stated that the petitioner has no criminal antecedent. The petitioner is in custody since 05.02.2019. There is no specific allegation against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Didarganj P.S. Case No. 38/2019, GR No. 732/2019 to the satisfaction of the learned A.C.J.M., Patna City.

(Anjani Kumar Sharan, J)

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