IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27635 of 2019

Arising Out of PS. Case No.-1668 Year-2017 Thana- COMPLAINT CASE District- Banka

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Munilal Pandit Son of Late Mahabir Pandit, Resident of Village- Sakrogarh, P.S.- Jirbavari, District- Sahebganj (Jharkhand).

... ... Petitioner/s

Versus

1. The State of Bihar
2. Anupam Devi, D/o Kameshwar Pandit, R/o Village-Dharandih, P.S. Barahal, District-Banka, Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 30-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. 1668 of 2017 registered for the offence punishable under Sections 354(B), 323, 341 and 504 of the Indian Penal Code.

Petitioner who happens to be maternal-uncle-in-law of the complainant, went her house and in the night he misbehaved with her and stripped off her saree, tore her blouse and squeezed her boobs and committed unnatural sexual assault against her.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case by the complainant as the

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complainant has lodged a case under Section 498(A) I.P.C against her husband and other relatives including the petitioner and the petitioner happens to be mediator of her marriage. Learned lower court has not taken cognizance for the offence of unnatural sexual assault against the petitioner, hence, he may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that the allegation levelled against the appellant is very abominable. During the course of inquiry, witnesses have also supported the occurrence, hence, the petitioner does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, the petitioner is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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