

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67748 of 2018

Arising Out of PS. Case No.-435 Year-2017 Thana- BAHADURPUR District- Darbhanga

Bhola Mukhiya, S/o Rameshwar Mukhiya @ Parmeshwar Mukhiya,
Residence of Village- Lakshmi Pur, P.S. Bahadurpur Sonki O.P., Distt.
Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kedar Jha, Advocate.

For the Opposite Party : Mr. Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 149, 447, 341, 323,
354(B), 504 and 509 of the IPC.

The prosecution story, in brief, is that the informant
Shalo Devi has alleged that on 14.10.2017 at 11.00 A.M. co-
accused Binod Mukhiya, Pramod Mukhiya and this petitioner
Bhola Mukhiya along with 20-25 persons forming an unlawful
assembly, variously armed with *Lathi*, *Bhala* and *Garasa* came
to her vacant land in front of her house and started forcefully
constructing hut over it. When she objected, then this petitioner
Bhola Mukhiya who is *Sarpanch* of the said village abused her



and instigated to outrage her modesty. Thereafter, the petitioner caught the informant by her hair and made her fall on the ground. He pulled her *Saree* and made her naked. He also torn her *Blouse* and made her naked. Co-accused Binod Mukhiya and Pramod Mukhiya kicked her on her naked body particularly on her private parts. It is further alleged that the petitioner warned her of dire consequences if she files a case against them.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is further submitted that charge sheeted witnesses have denied the allegations by filing an affidavit vide Annexure-3 to the present application. The petitioner is a *Sarpanch* and for political reason he has been made accused in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. As per F.I.R., the petitioner is alleged to have undressed the victim (informant) publically. Hence, an offence under Section 354(B) of the IPC is made out. The witnesses in course of investigation in paragraph nos. 9, 10 and 11 of the case diary have supported



the prosecution case and charge sheet has been submitted.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Bahadurpur (Sonki O.P.) P.S. Case No. 435 of 2017, pending in the court of learned S.D.J.M., Darbhanga. Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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