

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6368 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- SIDHWALIYA District- Gopalganj

BIRENDRA DAS, Son of Mohar Das Resident of Village - Pakri, P.S.-
Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 18-06-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 325, 354, 379, 504/34 of the Indian Penal Code.

Allegation against the petitioner is to have outraged the modesty of daughter of the informant when she along with her mother was going to attend the call of nature and when informant went to rescue her, he also assaulted the informant and her sister. Thereafter, accused namely Shambhu Das, Chhabila Das, Doli Kumari, Murti Kumari, Saroj Devi, Kishori Devi and Mohar Das came there and assaulted the informant's



husband, son and brother-in-law by lathi and bhala. Further, it is alleged that during the occurrence accused Shambhu Das snatched the golden chain from the neck of the informant.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to land dispute. Injuries sustained are simple in nature. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case and nature of allegation as there is specific allegation against petitioner of outraging the modesty of daughter of informant and thereafter assaulting both on the vital parts of the body, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby rejected.

However, if petitioner surrenders before the court below and seeks regular bail, the court below without being prejudiced by the rejection of anticipatory bail by this Court, would consider his bail application on its own merit preferably on the same day.

(S. Kumar, J)

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