

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9664 of 2020

Arising Out of PS. Case No.-22 Year-2018 Thana- MAHILA PS District- Katihar

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1. BADAL KUMAR DAS, Son of Chamaru Das,
 2. Gulab Chand Das @ Gulab Chand Kumar Das, Son of Jugal Das,
 3. Gopi Kumar Das @ Gopi Das, Son of Logen Das,
 4. Subol Kumar Das @ Subol Das, Son of Awdhes Das,
 5. Ichha Kumari, Daughter of Sukdeo Das,
- All are Residents of Village- Ningel Tetaliya, P.S.- Kadwa, District- Katihar.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-06-2020

This case has been heard through Video Conferencing.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 354B, 504,
323, 379 and 34 of the Indian Penal Code and U/s 10 of the
Prevention of Children from Sexual Offences Act.

Prosecution case is that as per FIR, on the date and time
of alleged occurrence one Ichha Kumari (petitioner no.5) came
and asked the informant to come out of her house which she
initially declined but on insistence she went alongwith her toward
sough and thereafter Ichha Kumari (petitioner no.5) taken out a
mobile and asked the informant to talk with petitioner no.1 Badal



Kumar Das which she refused and thereafter petitioner nos. 2, 3 and 5 came and forcibly asked her to talk to petitioner no.1. It is further alleged that on refusal, accused persons become violent and started misbehaving and thereafter on cry being made by informant, upon which accused persons started fleeing away. It is further alleged that accused Gulab Chand Das (petitioner no.2) has beaten her with slap, accused Gopi Das (petitioner no.3 has snatched her silver chain worth Rs.1,000/- and accused no.5 said she will be killed, if not talk to petitioner no.1 Badal Kumar Das.

Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence as alleged in the FIR. During course of investigation examined several independent witnesses u/s 161 of Cr.P.C. and thereafter found the allegation of outraging the modesty of informant false and it is also found that petitioner no. 1 was away from home and went outside for earning his livelihood. The investigation was also supervised by the Superior Officer, SDPO, Barsoi. In view of the aforementioned thorough investigation the police has submitted final form exonerating the petitioner no.1 from leveled allegation and submitted charge sheet no. 57/2018 dated 22.09.2018 against remaining four petitioners (petitioner nos. 2 to 5) under Sections 323 and 504 of the Indian Penal Code is at (Annexure-2) of the bail petition. The learned court of Special Judge by its order dated



15.07.2019 has taken cognizance of offences punishable u/s 323 and 504 I.P.C. and Section 8 of the POCSO Act.

Perused the record and impugned order, learned court below has taken cognizance for the offence u/s 8 of the POCSO Act and the victim is also minor.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners are rejected in connection with Mahila P.S. Case No. 22 of 2018 from the Court of learned Additional District Judge-I cum Special Judge, Katihar.

Accordingly, the application is dismissed.

However, petitioners are directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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