

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78455 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- VISHNUPAD District- Gaya

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Atul Kumar, Male, aged about 32 years, son of Satish Chandra Prasad,
Resident of Mohalla Nauwagrahi, P.S. Bishnupad, District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Rajan Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
Fir the Informant	:	Mr. Ajay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date :04-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ajit Ranjan Kumar, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Ajay Kumar Sinha, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Vishnupad PS Case No. 189 of 2019 dated 02.10.2019, instituted under Sections 448/354/323/427/504/506/34 of the Indian Penal Code.

4. The allegation against the petitioner and three others



is of entering into the house of the informant and abusing her and specifically against the petitioner, of being armed with iron rod and assaulting her and also of trying to outrage her modesty and further destroying the CCTV camera installed in her house and also of threatening her.

5. Learned counsel for the petitioner submitted that he, his brother and parents have been falsely implicated in the case due to dispute of land, as the parties are neighbours and the informant and her husband were trying to encroach upon public land which was objected by the people of the area. It was submitted that the informant has been harassing several residents of the locality due to which they have filed complaint before the Senior Superintendent of Police, Gaya. It was further submitted that another resident of the locality has also filed an informatory petition against the informant and her husband before the Chief Judicial Magistrate, Gaya. Learned counsel submitted that the other three accused have been granted anticipatory bail by the Court below itself. Learned counsel submitted that the husband of the informant has also filed Misc. Case No. 140 of 2017 before the SDM, Sadar, Gaya praying for drawing up proceedings under Section 144 of the Code of Criminal Procedure, 1973 against the mother of the petitioner



and two others, which clearly indicates that the present case has falsely been filed just to take undue advantage in the said case.

6. Learned APP, from the case diary, submitted that the petitioner has two other criminal antecedents; one being a case under the Arms Act of the year 2007. It was submitted that the case has been found to be true after investigation and the petitioner is absconding and when the police went to his house searching for him, the other family members behaved in a belligerent manner with the police and also tried to intimidate them. It was submitted that the husband of the informant was assaulted and has sustained injury, though minor. It was submitted that the Court below, by a common order, while allowing the prayer for anticipatory bail of the other three co-accused, had refused the same to the petitioner, taking note of the fact that the petitioner had criminal antecedent and there was specific allegation of overt acts against him, which was not the case with the other three co-accused.

7. Learned counsel for the informant submitted that one other case against the petitioner is under the Arms Act as well as the Explosive Substances Act.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the



Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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