

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78571 of 2019

Arising Out of PS Case No.-222 Year-2019 Thana- BIHTA District- Patna

-
1. Sunny Kumar, aged about 30 years, Male, Son of Dineshwar Ram, Resident of Village-Srirampurtola, PO + PS-Bihta, District-Patna.
 2. Dharmbir Kumar, aged about 28 years, Male, Son of Rabinder Ram, Resident of Village-Srirampurtola, PO + PS-Bihta, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar, Advocate
For the State : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-09-2020

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

2. Heard Mr. Ramesh Kumar, learned counsel for the petitioners and Mr. Atul Chandra, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Bihta PS Case No. 222 of 2019 dated 26.02.2019, instituted under Sections 341, 323, 307, 354B/34 of the Indian Penal Code and 12 of the Protection of Children from Sexual Offences Act, 2012.



4. The allegation against the petitioners and three others is of teasing the daughter of the informant and another girl and also assaulting them causing injuries.

5. Learned counsel for the petitioners submitted that the allegations are general and omnibus in nature and nothing specific has been alleged against the petitioners. It was further submitted that the petitioners have no other criminal antecedent. Learned counsel submitted that co-accused Manish Kumar has been granted bail by a co-ordinate Bench on 06.08.2019 in Cr. Misc. No. 48509 of 2019.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story and further that in a case of eve-teasing and assault, when all persons together commit such crime, it cannot be expected that individual acts of assault have to be detailed in the FIR itself as it is humanly impossible to remember as to which person has hit where when the victim, at that point of time, is only concerned at saving herself from such assault. Learned counsel submitted that co-accused Manish Kumar has been granted regular bail after being in custody for more than five months and, thus, the petitioners should also surrender and seek bail from the Court concerned.



7. 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 petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

AFR/NAFR	
U	
T	

