

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83640 of 2019

Arising Out of PS. Case No.-200 Year-2019 Thana- MANJHAGARH District- Gopalganj

1. FAIYAZ @ AFTAB Son of Samsul Hoda Resident of Village - Jagarnatha, P.S.- Manjhagarh, District- Gopalganj,
2. Irfan Son of Taukir Resident of Village - Vidutol, P.S.- Thawe, District- Gopalganj,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 15-10-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Manjhagarh P.S. Case No. 200 of 2019, disclosing the offence under Sections 341, 323, 354-B, 366, 511, 504, 506, 34 of the Indian Penal Code.

The gist of allegation in the FIR is that the petitioners used to tease the victim on her way to a coaching centre from her residence. It is also alleged that co-accused Sahjad and petitioner no. 1 had threatened to kidnap her and once they had attempted to kidnap. The victim committed suicide.

Learned counsel appearing on behalf of the petitioners has submitted that they have been falsely implicated because



they are co-villagers and some altercation had taken place between the informant and petitioner no. 1 because of which he has been falsely implicated. He has also submitted that there is no direct evidence against these petitioners.

During course of virtual court proceedings, the Court could easily notice that the learned counsel for the petitioners was in possession of the entire case diary. Evidently, since the petitioners had not surrendered, there would have been no occasion for the petitioners to obtain police papers in accordance with law. It is clear, thus, that the petitioners have obtained the case diary through illegal means and they are interfering with the course of investigation. Suicide note of the victim was found by the police. In the said suicide note she has referred to co-accused Sahjad who, according to her, was scandalizing her.

In the aforesaid background, since there is direct allegation against the petitioners of outraging the modesty of the victim, I am not inclined to grant them privilege of anticipatory bail, more so, for the reason that the petitioners have obtained illegally a copy of the case diary, which is a confidential document till the same are made available under the orders of the court as police papers.



This application, for the aforesaid reason, is rejected.

However, the petitioners are directed to surrender before the Court below within eight weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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