

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12518 of 2021

Arising Out of PS. Case No.-509 Year-2020 Thana- AMARPUR District- Banka

1. PANDAV DAS @ PANDAV KUMAR DAS Son of Sri Das Resident of Village- Digghi Pokhar, P.S.- Amarpur, Distt- Banka.
2. DEVNANDAN DAS S/o- SRI DAS Resident of Village- Digghi Pokhar, P.S.- Amarpur, Distt- Banka.
3. AMRENDRA KUMAR DAS @ ABHINIT KUMAR DAS @ AMRENDRA DAS S/o- SRI DAS Resident of Village- Digghi Pokhar, P.S.- Amarpur, Distt- Banka.
4. MUKESH DAS S/o SRI DAS Resident of Village- Digghi Pokhar, P.S.- Amarpur, Distt- Banka.
5. RAGHUNANDAN DAS S/o- SRI DAS Resident of Village- Digghi Pokhar, P.S.- Amarpur, Distt- Banka.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Chandra Shekhar Anand, Advocate.
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 12.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Pandav Das alias Pandav Kumar Das, petitioner no.2, namely, Devnandan Das, and the petitioner no.4, namely, Mukesh



Das, have already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Pandav Das alias Pandav Kumar Das, petitioner no.2, namely, Devnandan Das, and the petitioner no.4, namely, Mukesh Das, for granting them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Pandav Das alias Pandav Kumar Das, petitioner no.2, namely, Devnandan Das, and the petitioner no.4, namely, Mukesh Das.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Pandav Das alias Pandav Kumar Das, petitioner no.2, namely, Devnandan Das, and the petitioner no.4, namely, Mukesh Das, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das, and the petitioner no.5, namely, Raghunandan Das, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das, and the petitioner no.5, namely, Raghunandan Das, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.3, namely, Amrendra Kumar Das alias



Abhinit Kumar Das alias Amrendra Das, and the petitioner no.5, namely, Raghunandan Das, apprehend their arrest in connection with Amarpur P.S. Case No.509 of 2020 registered under Sections 341, 323, 354(B), 447, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the night of 24.08.2020, Amrendra Kumar Das (petitioner no.3) entered into the courtyard of the house of the informant Puja Devi and on the point of pistol, started to outrage the modesty of the informant and also torn her saree and blouse and pressed her breast. When the informant made protest, then the petitioner no.3 pointed out the pistol at her. Earlier, the petitioner no.3 had also outraged the modesty of the informant. In the morning, when the informant informed her husband Guddu Mandal regarding the occurrence, then the husband of the informant went at the house of the petitioner no.3. Thereafter, Amrendra Das (petitioner no.3), Mukesh Das, Devnandan Das, Pandav Das, Raghunandan Das (petitioner no.5) and Sri Das came at the house of the informant and Sri Das caught hold of her hair and all started to create nuisance. At that time, they abused and caused assault to the informant and her husband and also gave threatening of dire consequences.

Learned counsel for the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das, and the petitioner no.5, namely, Raghunandan Das, submits that, it would appear from the F.I.R. that there is no allegation of committing



overt act against the petitioner no.5, namely, Raghunandan Das, while there is allegation against the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das of outraging the modesty of the informant. Further submission is that regarding the occurrence, which is said to have taken place on the same day, co-accused Devnandan Das, lodged Amarpur P.S. Case No.366 of 2020 for the offence under Sections 341, 323, 324, 304, 379, 504 and 506/34 of the Indian Penal Code besides Sections 3(i)(r)(s) of the SC/ST Act against the husband of the informant and others, due to that reason, the informant has lodged the present case.

Having considered the facts and the circumstances of the case, let the petitioner no.5, namely, Raghunandan Das, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No.509 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das, is concerned, considering the nature of allegation against him, I am not inclined to grant anticipatory bail to the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das. Accordingly, the prayer of the petitioner no.3, namely, Amrendra



Kumar Das alias Abhinit Kumar Das alias Amrendra Das, for grant of anticipatory bail stands rejected. However, the petitioner no.3, namely, Amrendra Kumar Das alias Abhinit Kumar Das alias Amrendra Das, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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