

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15744 of 2020

Arising Out of PS Case No.-75 Year-2018 Thana- GAUNAHA District- West Champaran

Parvej Khan, Male, aged about 35 years, Son of Aflatun Khan @ Aflatun Khan, Resident of Village - Bairiya Madhopur, PS- Gaunah, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Aprajita, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-03-2021

Heard Ms. Aprajita, learned counsel for the petitioner and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Gaunaha PS Case No. 75 of 2018 dated 17.07.2018, instituted under Sections 448, 341, 323, 354 and 509/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of trying to outrage the modesty and making obscene gestures towards the informant who was living alone with her three minor children as her husband was working in Delhi and also that the accused were her neighbours.



4. Learned counsel for the petitioner submitted that the allegations are totally false as it cannot be expected that four neighbours at the same time, would try to outrage the modesty of a woman. Further, it was submitted that the petitioner has no criminal antecedent and is not an accused in the other case which may have been filed by the informant. Learned counsel submitted that the other three co-accused have been granted anticipatory bail by the District and Sessions Judge, West Champaran by order dated 19.03.2020, whereas in the prayer for anticipatory bail of the petitioner has been rejected by the Additional District and Sessions Judge, VI without appreciating the facts and circumstances in their correct perspective. It was submitted that the informant is in the habit of lodging such types of false cases for extorting money.

5. Learned APP submitted that there is serious allegation against the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the



learned SDJM, District West Champaran in Gaunaha PS Case No. 75 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and he shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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