

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28556 of 2020

Arising Out of PS. Case No.-133 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Shankar Paswan, Son of Raju Paswan, Resident of Ward No.17, Tetri, P.S.-
Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Khatoon, W/o Sarfuddin, Resident of Village- Garhi Tola P.O. and
P.S.- Bhakhari Bazar, Distt- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.K.Lal, Adv.
Mr.Pritish Kumar Lal, Adv.
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-01-2021 Heard learned counsel for the petitioner and Mr.
Tapeshwar Sharma, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Complaint Case No.133C of 2019,
arising out of Bakhri P.S. Case No.147 of 2017, registered for
the offences punishable under Sections 341, 323, 354, 506 and
504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the complaint petition six persons including this petitioner had
surrounded and abused the complainant and her niece with
indecent posture and on being objected to, they were assaulted. It
is alleged that on seeing the persons arriving the accused



persons fled away.

Learned counsel for the petitioner submits that initially the case was lodged being Bakhri P.S. Case No.147 of 2017 in which police submitted a final report as there was no sufficient material to proceed against the accused persons. The informant then filed a protest petition which has been registered as a complaint case in which the cognizance has been taken for the offences stated hereinabove.

Learned counsel submits that all the offences are bailable except the offence under Section 354 of the Indian Penal Code, but there is absolutely no material to show that the petitioner ever tried to outrage the modesty of the complainant and her niece. Learned counsel further submits that the prayer for anticipatory bail of the petitioner has been refused by the learned court below on the basis of a document which is said to be xerox copy of whatsapp chat and CD even though those documents are not duly certified in accordance with law and such materials in absence of proper certification would not be admissible in evidence.

In this case the office notes shows that the ordinary notice has been received by the opposite party no.2 personally as per report of the process server. Despite service of notice, the



complainant-opposite party no.2 has not chosen to enter appearance and oppose this application.

Learned APP for the State is, however, present.

In the given facts and circumstances of this case wherein earlier police had submitted a final form and the petitioner is apprehending his arrest on surrender in the complaint case, in the nature of the materials and the submissions placed before this Court, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No.133C of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

