

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33982 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA P.S. District- Nalanda

Deepak Kumar, aged about 30 years (male), son of Baburam Yadav, resident of village- Dullabigha, Police Station- Sare, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the State : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioner and Mr. Tapeswar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Mahila PS Case No. 13 of 2020 dated 29.01.2020, instituted under Sections 354-A, 354-B/34 of the Indian Penal Code and 8/12 of the Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioner and three others is that they had caught the hand of the daughter of the informant and tried to outrage the modesty due to which her clothes were torn and on alarm raised, they had run away when other villagers had come to the spot.



5. Learned counsel for the petitioner submitted that both the parties are neighbours and there is dispute between them and the present FIR has been lodged as a counter blast to the case lodged by the father of co-accused Sani Kumar on 18.01.2020 against the informant's husband, being Sare PS Case No. 13 of 2020, for an incident which occurred on the same day under Sections 342, 354-A, 354-B, 506/34 of the Indian Penal Code and the present case has been lodged to create a defence. It was submitted that in the present case, though the date of incident is said to be 18.01.2020, but it has been instituted only on 29.01.2020. It was submitted that even from the plain reading of the FIR, it is clear that the allegation is only of attempt to outrage the modesty and tearing of clothes is by way of super addition. Learned counsel submitted that even otherwise, it is unbelievable that a neighbour would commit such crime. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that allegation against the petitioner is of outraging the modesty. However, it was not denied that the allegation is only that he, along with three others, had caught hold of the hand and tried to outrage the modesty in which clothes of the daughter of the informant were



torn.

7. 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 Additional Sessions Judge-VI, Nalanda at Biharsharif, in Mahila PS Case No. 13 of 2020, 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 (iii) that the petitioner shall cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation shall lead to cancellation of his bail bonds.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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