

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3157 of 2021

Arising Out of PS. Case No.-357 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

1. CHOTU DAS Son of Lakshman Das Resident of Aliganj, Bounsi Road, Harizan Tola, Police Station - Mojahidpur (Babarganj), District - Bhagalpur.
2. SUNIL DAS Son of Lakshman Das Resident of Aliganj, Bounsi Road, Harizan Tola, Police Station - Mojahidpur (Babarganj), District - Bhagalpur.
3. ANIL DAS Son of Lakshman Das Resident of Aliganj, Bounsi Road, Harizan Tola, Police Station - Mojahidpur (Babarganj), District - Bhagalpur.
4. CHANDAN DAS Son of Lakshman Das Resident of Aliganj, Bounsi Road, Harizan Tola, Police Station - Mojahidpur (Babarganj), District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-12-2021 Heard Mr. Praveen Kumar, learned Advocate for

the petitioner and Mr. Md. Aslam Ansari, learned APP for

the State.

The petitioners seek bail in anticipation of their
arrest in connection with Mojahidpur (Babarganj) P.S.
Case No. 357 of 2019 dated 19.12.2019 instituted for
the offences under Sections 452, 354(B), 323, 341,
506, 504 and 34 of the Indian Penal Code and under
Section 8 of the POCSO Act.



Though there is accusation against the petitioners of having outraged the modesty of a minor girl on gun-point but the police after investigation did not find the accusation to be completely true and submitted charge sheet only under Section 504 IPC.

However, differing with the aforesaid police report, cognizance has been taken in all the Sections in which the case was lodged.

Learned counsel for the petitioners has pointed out that the complaint was lodged after two months of the occurrence. There is some dispute with respect to measurement of land over some part of which, the parties were staking their respective claims.

The petitioners are distantly related to the victim girl as well.

Be that as it may, considering the nature of accusation, I am not inclined to grant anticipatory bail to them.

Accordingly, their prayer for anticipatory bail is



rejected.

However, if the petitioners surrender before the court below and seek bail, it shall consider the following aspects of the matter viz. delay of two months in lodging the case, the parties being related to each other and the background of land dispute between them along with the fact that the petitioners are students and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on their behalf has not been entertained.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

