

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15756 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- PALIGANJ District- Patna

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SURAJ KUMAR @ SURAJ NARAYAN ANURAG Son of Indrajeet Sharma
Resident of Village - Korra, P.S.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Priyanka Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Paliganj P.S. case No.146 of 2020 registered under
Sections 341, 354, 376, 511/34 of the Indian Penal Code.

Allegation is that the accused persons including the
petitioner hurled obscene words and molested the informant by



catching hold of her hand and removing her dupatta.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the F.I.R. itself, it would appear that no offence under Sections 376, 511 of I.P.C. is attracted in the present case. At best, from perusal of the F.I.R., it would appear that Section 354 of I.P.C. is attracted in the present case. The victim subsequently in her statement recorded under Section 164 Cr.P.C. has tried to develop the case by making the allegation most severe. There is contradiction in the statement of the victim made in the F.I.R. and under Section 164 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in



covid cases.

Considering the facts and circumstances, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned S.D.J.M., Danapur, Patna in connection with Paliganj P.S. case No.146 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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