

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19743 of 2023

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Bhagalpur

Md. Afaque @ Md. Afaque Alam S/o Khurshid Alam @ Md. Khurshid Alam
R/o village- Jamunia, P.S.- Parbatta, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Shakil Ahmad Khan, learned counsel for
the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 323, 341, 354A and 448 of the Indian Penal Code.

It is alleged that while the informant was sleeping in her house, in the meantime, the petitioner entered into her house and tried to outrage her modesty. On hulla being raised, the petitioner fled away after assaulting the father of the informant.

Learned counsel for the petitioner submits that initially the case was instituted under Sections 341, 323, 354A and 448 of the Indian Penal Code and considering the nature of offence, the petitioner was allowed the benefit of Section 41(A)



of the Cr.PC. However, after submission of the charge-sheet, the learned court below took cognizance under Section 354B and other allied Sections of the Indian Penal Code. He further submits that even as per the FIR, it appears that the occurrence took place on 18.06.2020, however, the FIR has been instituted on 20.06.2020, apart from the fact that it is alleged that the petitioner caught hold the hand of the informant and tried to outrage her modesty and, considering this fact, the police submitted charge-sheet under Section 354A of the I.P.C., which is bailable in nature. He lastly submits that the petitioner is a man of fair antecedent and on account of some dispute with regard to due wages of work, this case has been instituted with a view to extract money from the petitioner.

On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and the fact that the police after investigation submitted charge-sheet under Section 354A and other allied Sections of the I.P.C., and thus the petitioner was allowed the benefit of Section 41(A) of the Cr.PC., coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachhia at Bhagalpur, in connection with Mahila P.S. Case No. 15 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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