

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69443 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA PS District- Darbhanga

1. Awadhesh Ram @ Pappu Ram son of Pappu Ram Village- Sonpur Ps- Biraul Dist- Darbhanga
2. Chitranjan Ram son of Pappu Ram Village- Sonpur Ps- Biraul Dist- Darbhanga
3. Raj Kumar Ram son of Pappu Ram Village- Sonpur Ps- Biraul Dist- Darbhanga
4. Kumud Ranjan Prasad @ Kumud Ranjan @ Mukund Ranjan son of Ramcharita Ram Village- Sonpur Ps- Biraul Dist- Darbhanga
5. Kamal Ram son of Shankar Ram Village- Sonpur P.S- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Girish Chandra Jha, Advocate
For the Opposite Party/s :	Mr.Gagnedra Prasad Yadav, Advocate
For the State :	Mr. Binod Kumar NO.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-11-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Mahila P.S. Case No. 28 of 2022 dated 12.05.2022 registered for the offence(s) punishable under Section(s) 354(B), 354(C), 323, 504 and 506/34 of the Indian Penal Code and Sections 8 and 10 of POCSO Act.
3. The main submissions advanced by the learned counsel for the petitioners are that as per the FIR, the main



allegation of clicking obscene picture of the victim is against co-accused persons namely, Jyotish Ram, Pankaj Ram and a relative of the petitioner no. 5 but against these petitioners there is no serious allegation and after the investigation, all of them were not sent up by the police but the learned court below differing with the conclusion of the police summoned the petitioners for the alleged offences on the basis of protest petition filed by the informant taking cognizance against them. Further submission is that against the petitioner nos. 1, 3, 4 and 5 there is one criminal antecedent in which they are on bail and against the petitioner no. 4 there is no criminal antecedent.

4. Learned APP appearing for the State as well as learned counsel for the informant have vehemently opposed the bail prayer of the petitioners and submitted that the allegation mentioned in the FIR is serious in nature and the same relates to outraging the modesty of the informant and the petitioners abused and assaulted the family members of the victim when they made a complaint against the co-accused persons regarding the alleged act.

5. Considering the facts and circumstances of this case as well as the nature of allegation appearing against the petitioners and also taking into account the above submissions,



this court is inclined to accept petitioners’ anticipatory bail prayer. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Mahila P.S. Case No. 28 of 2022 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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