

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66445 of 2022

Arising Out of PS. Case No.-2001 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. VIKASH KUMAR DAS @ VIKASH KUMAR Son of Late Ganesh Das Resident of mohalla - Champanagar, C.T. Lane, P.S.- Nathnagar, Dist.- Bhagalpur.
 2. Rakesh Kumar Das @ Raka @ Rakesh Son of Sri Sunil Kumar Das Resident of mohalla - Champanagar, C.T. Lane, P.S.- Nathnagar, Dist.- Bhagalpur.
 3. Satish Kumar Das @ Satish Kumar Son of Sri Sunil Kumar Das Resident of mohalla - Champanagar, C.T. Lane, P.S.- Nathnagar, Dist.- Bhagalpur.
 4. Pawan Kumar Das @ Pawan Das @ Pappu Das Son of Sri Sunil Kumar Das Resident of mohalla - Champanagar, C.T. Lane, P.S.- Nathnagar, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari Daughter of Late Yogendra Das Resident of mohalla - Champanagar, C.T. Lane, P.S.- Nathnagar, Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Ghosarvey, Advocate.
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-05-2023 Heard the parties.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 2001 of 2018 registered for the offence punishable under Sections 341, 354B and 386/34 of the Indian Penal Code.

3. The prosecution story, in brief, is that the complainant along with his sister and his aunty went to Nathnagar police station to give written application and when they were coming back from Nathnagar police station, then the



petitioners along with other accused persons stopped them. The accused persons including petitioners assaulted the complainant and tried to outrage the modesty of the complainant and his sister. The accused Pankaj Kumar Das torn the cloth of the sister of the complainant and tried to outrage her modesty. When sister of the informant raised alarm then accused put pistol upon her and threatened her. The petitioner Pappu Das assaulted informant badly by belt. All accused persons including petitioners also assaulted the aunty of the informant and outraged her modesty. It is further alleged that on 26.11.2018 the accused persons including petitioners entered the house of the complainant and assaulted the family member of the complainant. The accused persons including petitioners demanded ransom amount from them. The accused person including petitioners tried to abduct the brother of the complainant Nitish Kumar Jender for murder, and when the aunty of complainant gave them Rs. 20,000/- then they left Nitish Kumar and told to give the rest ransom amount Rs. 1.5 lac in one month. The accused persons including petitioners threatened them that if they did not give ransom amount then they would murder the all family members of the complainant. It is further alleged that petitioner Satish Das and co-accused



Raja Kumar and Aditya Das have taken the ornaments from the house of the complainant and fled away.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have committed no offence and they have falsely been implicated in this case. It is submitted that the the complainant has filed a false case with ulterior motive to take revenge by taking side of one Nisha Devi and her in-laws family as Nisha Kumari had fled away with one Pankaj Kumar and married with him and Pankaj Kumar Das who happens to be brother of the petitioner no.1 had taken side of the said Pankaj Kumar. It is further submitted that the parties have strained relationship because of the said fact. It is further submitted that the victim of the situation Nisha Devi has even lodged F.I.R. against her own parents. Complainant is the maternal sister of said Nisha Kumari.

5. Mr. Swapnil Kumar Singh, learned counsel appearing on behalf of the informant submits that earlier also the petitioners have harassed the informant's side on several occasions. Specific allegation under Section 354B I.P.C. was also levelled against the petitioners.

6. Learned APP for the State supported the submission



advanced on behalf of the informant.

7. Having considered the rival submissions made on behalf of the parties, it appears that there is a long standing dispute between the parties with respect to the family affairs and because of one of the member of the family Nisha Kumari has married with one Pankaj Kumar.

8. The petitioners are directed to swear individual affidavit before the court below by making specific statement that in future they will not indulge in such illegal activities and they will not disturb the piece of the family of the informant's side.

9. If such affidavit is filed by the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the 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 ACJM-II, Bhagalpur in connection with Complaint Case No. 2001 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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