

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72412 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- KESARIA District- East Champaran

Shashikant Das @ Shashikant Kumar, aged about 28 years, Gender-Male, Son of Virendra Das, R/O Village- Lala Chhapra, Bairiya, P.S.- Kesariya, Dist.- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Patel, Advocate

For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 118 of 2023 dated 09.03.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 354B, 379, 504, 506 and 427 of the I.P.C. and Section 8 of the POCSO Act.

4. As per the prosecution case, on 08.03.2023, on the eve of Holi festival, the petitioner alongwith 18 named and 21 unknown persons came at the darwaza of the informant. The co-



accused Mantu Das grasped the informant's minor daughter and started touching her body indecently. The co-accused Subodh Kumar made her lay on the ground, pulled her Sari and began to do illegal activities. The co-accused Ashok Kumar bit cheek of the informant's daughter. The co-accused Raju Das started pressing front portion of the informant's upper part of body. When Chandan Kumar, Raja Kumar and Santosh Kumar came to rescue, they were also assaulted by them. They also looted ornaments, clothes and cash of Rs. 40,000/- from the house of the informant. The villagers brought the injured to Kesariya Primary Health Centre for treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that some minor dispute has occurred between the parties due to Holi festival. There is general and omnibus allegation against the petitioner. It is further submitted that while filing of anticipatory bail application before the learned court below due to inadvertent mistake the criminal antecedent of the petitioner has not been mentioned in the bail petition for this reason the prayer for anticipatory bail application of the petitioner has been rejected by the learned court below. The petitioner has one criminal antecedent in



which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari in connection with Kesariya P.S. Case No. 118 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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