

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33593 of 2024

Arising Out of PS. Case No.-623 Year-2021 Thana- BIHTA District- Patna

1. Dhiraj Kumar, Son of Satish Mahto, Resident of Village and P.O and P.S- Bihta , Dist- Patna
2. Ajit Kumar, Son of Lakshman Mahto, Resident of Village and P.O- Bahpura, P.S- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Sinha, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Bihta P.S. Case No. 623 of 2021 registered for the offences under Sections 341, 323, 504, 506 and 354/34 of the Indian Penal code.

3. As per prosecution case, petitioners used to stalk the daughter of the informant and further used to tease her. On the date of occurrence, the petitioners demanded the mobile number of the daughter of the informant threatening her with rape and further extended threat of shooting dead her brothers. When the brother of the girl opposed, he was assaulted with *lathi* by petitioner no.1. There is further allegation is that petitioner no.1 used to call upon the mobile number of the



informant to harass her.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is allegation against the petitioners for making sexually coloured remarks against the daughter of the informant for last six months but she did not make any complaint to any of the authorities. From the nature of allegation, it is apparent that no offence under Section 354 IPC is made out against the petitioners and other offences mentioned in the FIR are bailable in nature. The mobile numbers said to belong to petitioner no.1 do not belong to the petitioners who are not holders of the said mobile numbers. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail. Learned APP further submits that specific allegation against the petitioners is that they made sexual overtures against the daughter of the informant and have been harassing the informant and her family members.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation having no serious connotation and also considering the clean antecedent of the petitioners coupled



with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Danapur, Patna/concerned court in connection with Bihta P.S. Case No. 623 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

The mobile numbers mentioned in the FIR would be verified by the learned trial court and if it is found that any of the mobile numbers belong to the petitioners or their family members, the bail bonds of the petitioners will not be accepted.

(Arun Kumar Jha, J)

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