

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39480 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- PAHARPUR District- East Champaran

MUNNI LAL PRASAD son of Prayag Mahto Village- Mankaraiya Tola
Kusharpur PS- Paharpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 19-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Paharpur P.S. Case No. 24 of 2022 registered for the
offences punishable under Sections 341, 323, 504, 306 and 34 of
the Indian Penal Code read with Section 67 (c) of the I.T. Act.

3. The Court feels perturbed and disturbed in the
nature of allegation as alleged in the FIR.

4. The informant alleges that one Binda Lal had come
to his house in the night and stayed there, in the morning, the
named accused persons along with 25-30 unknown came and
surrounded the house of the informant and asked the informant
to come out and when he came out, he was abused on the
pretext that Binda Lal who had come to his house in the night



and slept, had illicit relations with his daughter, thereafter the daughter of the informant was also called out by the accused persons including the petitioner and thereafter Binda Lal was called out and the victim was asked to hit Binda Lal with slipper, on which the victim hit Binda Lal with slippers and the said act was videographed and made viral. It is next alleged that when the victim saw herself assaulting Binda Lal with slippers, she lost her mental balance for the reason that she felt that her character was compromised by the accused persons including the petitioner as they levelled that she was a lady of easy virtue and had relation with Binda Lal who had come to her house and spent the night, as such, feeling demeaned the victim committed suicide.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no overt act has been alleged against the petitioner rather it was the *Sarpanch*, Urmila Devi, on whose orders the accused persons including the petitioner had accompanied her to the house of the informant where the occurrence is alleged to have taken place. It is thus submitted that since petitioner accompanied Urmila Devi, the *Sarpanch*,



that in itself should not be a ground for rejecting the anticipatory bail application of the petitioner.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the prayer for anticipatory bail of the petitioner and rebuts the submissions of the learned counsel for the petitioner and submits that it absolutely does not stand to reason that had the *Sarpanch* asked the petitioner to jump from 10th floor or to jump in the well, whether the petitioner would have done that, it is thus submitted that merely because there is no specific allegation against the petitioner in the FIR of committing any overt act that in itself should not be a ground for granting anticipatory bail to the petitioner, but then the Court also has to weigh whether the act committed by the accused persons including the petitioner together led to taking of life of an innocent victim. It is also submitted that showing mercy to the guilty is a punishment to the innocent.

7. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the present anticipatory bail application stands rejected.

9. At this stage, the learned counsel for the petitioner



submits that similarly situated co-accused, Gulshan Kumar, has been granted the privilege of anticipatory bail by an order dated 27.07.2023 in Criminal Miscellaneous No. 35212 of 2023 by a learned Co-ordinate Bench, but then the learned APP, Mr. Chandra Bhushan Prasad, vehemently rebuts the said submission and submits that from perusal of the order granting anticipatory bail, it would manifest that the learned Co-ordinate Bench while granting anticipatory bail to the said petitioner recorded that all the offences are bailable except Section 67 (c) of the I.T. Act, when it is a case instituted under Section 306 of the IPC also, which is non-bailable offence which amply demonstrates that the said fact escaped the attention of the learned Judge or the learned lawyer who had argued the case, did not bring the said fact to the notice of the learned Court.

(Satyavrat Verma, J)

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