

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3963 of 2025

Arising Out of PS. Case No.-353 Year-2024 Thana- PARBATTa District- Khagaria

Nageshwar Das @ Nage Das S/o Late Bhoku Das, Resident of Village-
Karna, Ward No 12, PS- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-05-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Parbatta P.S.Case No.353 of 2024, registered for the offences
punishable under Sections 74 and 76 of BNS.

3. As per the allegation made in the FIR, the petitioner
has allegedly tried to outrage the modesty of the daughter of the
informant aged about 23 years, who is mentally not sound.

4. Learned counsel appearing on behalf of the
petitioner submitted that due to enmity, the petitioner has been
roped in the present case and the petitioner being an old man,
aged about 84 years can not said to be involved in immoral act,
as has been alleged against him. The petitioner has clean
antecedent. The petitioner seeks to be released on pre-arrest bail.



5. Mr. Ajit Kumar, learned APP has vehemently opposed the prayed for grant of pre-arrest bail to the petitioner and he has submitted that the daughter of the informant is mentally not sound and she requires compassion of the society and the petitioner taking advantage of the same committed immoral act, as such, he does not deserve to be released on pre-arrest bail.

6. Keeping in mind the governing law- **Rights of Persons with Disability Act (RPwD Act), 2016** in respect of the mental disable person, without entering into the merits of the case, considering the age of the petitioner, as claimed by him to be 84 years, I do not find that in any manner, the petitioner had any intention to commit crime, however, the FIR reveals that the age of the petitioner is 50 years, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court 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-I, Khagaria/concerned court, in connection with Parbatta P.S.Case No.353 of 2024, subject to conditions as laid down under Section 482(2) of BNSS of 2023.

7. Learned district court is directed to verify the age



of the petitioner at the time of furnishing of the bail bond from the valid documents, as approved by the Government of India and if the age of the petitioner is not confirmed to be 84 years, this order will lose its force automatically.

(Purnendu Singh, J)

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