

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54769 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- JHAJHA District- Jamui

Suresh Yadav Son of Mahadeo Yadav, R/O Vill.- Yogiya, Tilha (Akhariya),
P.S.- Jhajha, Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-01-2025 Heard Mr. Amrendra Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Murli Dhar,
learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Jhajha P.S.Case No.336 of 2023, registered for the offences
punishable under Sections 341, 323, 354, 504 and 506/34 of the
Indian Penal Code.

3. Allegation against the petitioner in the present bail
application is of disrobing the informant and pulling her down
by catching hold of her hair.

4. Learned counsel appearing on behalf of the
petitioner has not been able to convince the Court as to what
would mean the term 'outraging the modesty of a woman' and
he answered that until and unless there is sexual assault, the
same would not amount to outrage the modesty of a woman.

5. I find it proper to re-produce the provisions



contained in Section 354 IPC, which is as follows : -

“Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.”

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that there is admitted land dispute between the parties as would appear from the allegation made in the FIR and the petitioner should not suffer on account of his learned counsel, who has not been able to explain the ingredients contained in Section 354 IPC and its applicability.

8. 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.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Jamui/concerned court, in connection with Jhajha P.S.Case No.336 of 2023, subject to conditions as laid down



under Section 438(2) of the Cr.P.C.

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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