

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.2687 of 2025

Ajay Kumar Bhagat @ Ajay Bhagat @ Phantush Bhagat, son of
 Sri Kedar Bhagat, resident of village Mahagama, PO and PS
 Mahagama, District Godda, Jharkhand **Petitioner(s)**

Versus

The State of Jharkhand. **Opposite Party(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Shailendra Kr. Singh, Advocate.

For the State : Ms. Mohua Palit, A.P.P.

03/ 09.07.2025

Heard the parties.

2. This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioner apprehending his arrest for offences registered under Sections 74 and 76 of the Bharatiya Nyaya Sanhita, 2023.

3. The victim-informant alleges that she is a sales girl and used to sale product of DNX Company. It is further stated that in course of selling the said product she contacted this petitioner who has a shop dealing with cloths and other apparels. The contact was established over by phone. It is alleged that this petitioner called the victim in the shop to demonstrate the product when this petitioner caught her inappropriately and asked her for sexual favour. It is further stated that she then screamed and fled from the place of occurrence.

4. Learned counsel for the petitioner submits that FIR has been lodged after 23 days of the occurrence. He submits that because of failed business dealing this case has been lodged.

5. Learned A.P.P. representing the State opposes the prayer for anticipatory bail and submits that the petitioner has refused to accept notice under section 35(3) of BNSS.

6. On query, learned APP produced the case-diary. After going through the case-diary, I find that the victim has

supported the prosecution case and narrated exactly what she has stated in the FIR. There are two witnesses whose statement has been recorded in paragraph nos. 6 and 7. They are none but the neighbours of the victim and they are not the eye-witnesses nor have any personal information about the occurrence. They have narrated what the victim had stated before them. Admittedly the occurrence had taken place in the shop of the petitioner but surprisingly any persons who are neighbours to the petitioner shop or nearby person their statement has not been recorded by the police.

7. Considering the fact that no independent witnesses have come forward to support the prosecution case and further there is delay of 23 days in lodging the FIR, this Court finds it a fit case for grant of anticipatory bail to the petitioner.

8. Accordingly, this Anticipatory Bail Application stands **allowed**. The petitioner, above named, is directed to surrender before the learned court below within four weeks from the date of receipt of copy of this order and on the event of his surrender or arrest, he shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned J.M. 1st Class, Godda, in connection with Mahagama P.S. Case No.20 of 2025, subject to the condition that one of the bailers should be a close relative of the petitioner and other should be a resident of State of Jharkhand, having sufficient landed property in his/her name or in the name of his/her ancestors in which he/she is having share and to that effect, he/she has to file an affidavit before the Trial Court indicating his/her share in the property.

9. The petitioner is directed to appear before the Investigating Officer once in every 15 days till submission of the final report/chargesheet.

(ANANDA SEN, J.)