

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14012 of 2015

Arising Out of PS.Case No. -96 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Ranjeet Kumar @ Raj Kumar Son of Madan Sah Resident of village -
Sihpur, P.S. Sathi, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since
24.02.2015 in a case registered for the offences punishable under
sections 8 and 10 the Protection of Children from Sexual Offences
Act, 2012 (hereinafter referred to as the "Act").

It is alleged that the petitioner used to teach the
minor daughter of the informant and while teaching on
23.02.2015, the petitioner tried to pull the daughter of the
informant by catching her hand. On alarm being raised, the
informant found that the petitioner was making attempt to hug the
victim but while the petitioner was trying to escape from the scene
he fell down on the bricks and received injury.



It is submitted by learned counsel for the petitioner that only on suspicion the petitioner was assaulted and injury was caused and even assuming the accusation the act committed by the petitioner does not come within the purview of 'sexual assault' as defined under section 7 of the Act nor the offence under section 10 of the Act is made out as the act of the petitioner does not come within the definition of 'aggravated sexual assault' as defined under section 9 of the Act. Section 7 of the Act defines the term 'sexual assault' means ***whosoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent.*** In the present accusation is not of touching private part or breast and the act does not suggest that petitioner has any sexual intent. The 'aggravated sexual assault' is defined in section 9 of the Act the precondition of constituting offence of aggravated sexual assault is that offender has to be a police officer, member of security or armed forces, member of management, or staff of private or government hospitals, educational institution or religious institution but the petitioner is holding none of the above mentioned posts. It is further submitted that the petitioner demanded the tuition fee which infuriated the informant and others

to assault the petitioner. The petitioner also filed Bettiah Mufassil Case No. 997 of 2015 against the informant and others levelling accusation under sections 342,323,504, 506, 379/34 of the Indian Penal Code. There is serious inconsistency between the accusation in the FIR and the 164 Cr. P.C. statement of the victim. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid fact, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No. 96 of 2015.

(Dinesh Kumar Singh, J)

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