

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31153 of 2016

Arising Out of PS.Case No. -36 Year- 2015 Thana -MAHILA P.S. District- PATNA

Chintu Paswan, Son of Suresh Paswan, resident of Village- Govindpur (Tola Per)
P.S. - Khushroopur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with Mahila (Patna) P.S. Case No. 36 of 2015 dated 21.08.2015 under Sections 376/511 of the Indian Penal Code and 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

The allegation against the petitioner is that he lifted the minor girl of the informant with *mala fide* intention and upon coming of the informant at the place, he dropped the girl and ran away.

Learned counsel for the petitioner submits that he is a neighbour and due to petty disputes, he has been falsely implicated. He submits that there are discrepancies in the statement made in the complaint before the police and the statement of the victim girl recorded before the court under Section 164 of the Code of Criminal

Procedure, 1973, inasmuch as, in the complaint before the police, it has been stated that upon the informant coming, the petitioner had dropped the victim girl, whereas the girl in her statement before the court had stated that after she was picked up, she raised a cry and the petitioner ran away and then her parents had come. Learned counsel further submits that the incident is said to have occurred on 19.08.2015, but the FIR was not lodged in the local police station and rather at the women police station after two days on 21.08.2015, which indicates false implication.

Learned A.P.P., upon going through the case diary, submits that the allegations cannot be said to be false since witnesses have supported the prosecution story and further that the petitioner has antecedents with regard to similar incident where also a case has been lodged against him and trial is in progress.

Having considered the facts and circumstances of the case and the submissions of the learned counsel for the parties, this Court is not inclined to grant anticipatory bail to the petitioner. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

Sujit/-

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