

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33227 of 2016

Arising Out of PS.Case No. -200 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Ashok Mahto son of Hiralal Mahto resident of Village- Pandey Tola,
Police Station- Bettiah Muffasil, District-West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 26-09-2016

Heard both sides.

The petitioner apprehends his arrest in Bettiah Muffasil P.S. Case No. 200 of 2016, registered for the offences punishable under Sections 376, 511 of the Indian Penal Code and 8, 10 of the POCSO Act.

The informant alleged that the petitioner made attempt to outrage the modesty of his minor daughter aged about 13 years while she was cleaning water from the Nad.

Learned counsel for the petitioner submits that the Investigating Officer did not take statement of the victim. The informant compromised the case and during course of the investigation in para 39 and onwards of the case diary the

witnesses have stated that on account of dispute with regard to road, the occurrence took place but it appears that the informant made very specific allegation against the petitioner that the petitioner made an attempt to outrage the modesty of his daughter. The Investigating Officer did not take statement of the victim during course of the investigation and this fact itself shows that the Investing Officer is not properly investigating the case.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders before the court below within four weeks from the date of receipt/production of a copy of this order and prays for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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