

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7992 of 2016

Arising Out of PS.Case No. -155 Year- 2015 Thana -PHULWARIA District- BEGUSARAI

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Prabhat Kumar @ Munna, Son of Late Awadhesh Kumar Azad, Resident of village - Sokhara, Ward No. 5, Police Station - Fulwaria, District – Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Saroj Shandilya, Advocate

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with Fulwaria P.S. Case No.155 of 2015 registered for offence punishable under Sections 354(B) of the Indian Penal Code and Section 8 of POSCO Act.

The prosecution case as lodged by the informant mother of the victim is that Ragini Kumari aged 7 years and Soni Kumari aged 5 years on 23.10.2015 were at Sahnaz Beauty Parlour. The informant and her mother-in-law Lila Devi went to see Durga Bhasan. At about 10 A.M. when they returned her daughter, Ragini Kumari reported that petitioner Prabhat Kumar @ Munna attempted to outrage her modesty and offered Rs.10 and



50. He asked her to go inside the room and disrobed her Pant and tried to do wrong work. Ragini Kumari and Soni Kumari raised alarm. In the meantime informant her mother-in-law and villagers came who witnessed the occurrence and protested, then Prabhat Kumar ran away threatening with dire consequence. The informant complained to Dharm Shila Devi, the mother of the petitioner then she told her not to lodge the case, she would punish her son. On 26.10.2015 Prabhat Kumar (petitioner) returned to his home and on 27.10.2015 at about 8 A.M. he came the house of informant and threatened to kill her.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence and has been falsely implicated due to business rivalry. It has further been submitted by the learned counsel for the petitioner that the petitioner has no criminal antecedent as is evident from paragraph 3 of this petition.

The learned counsel for the petitioner contends that the date of occurrence is 23.10.2015 but the present case has been lodged on 31.10.2015 because of extraneous considerations and no plausible explanation has been given about the delay.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Fulwaria P.S. Case No.155 of 2015 G.R. No.6702 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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