

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47803 of 2016

Arising Out of PS.Case No. -160 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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Bambam Jha son of Kula Jha resident of village Amauza, Police Station
Phulparas, Dist. Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 25-11-2016 Heard Mr. Ramakant Sharma, Sr. Advocate, in support of the application seeking anticipatory bail in connection with Phulparas P.S. Case No. 160 of 2016, registered under Sections 376 and 511 of the IPC and Sections 4 and 6 of the POCSO Act as well as Mr. Dayal APP for the State.

The victim girl has lodged the case alleging that while she was picking up wooden logs in the morning the petitioner under a cover tried to molest her. When resistance was offered he became unmasked and was identified as the petitioner. The allegation further is that a valiant attempt was made to outrage her modesty. In retaliation, she raised alarm and the petitioner managed to escape.

Contention of the petitioner is that both belonged to one family. Actually, the petitioner was assaulted by the family

members of the victim girl and with a view to save the skin the present case has been lodged with concocted allegation.

Learned APP while opposing the prayer submits that there is specific allegation against the petitioner in the FIR lodged by the victim girl who is of tender age.

Looking to the allegation and the other materials available on record, I am not persuaded to extend the privilege of anticipatory bail to the petitioner. Prayer is rejected.

Let the petitioner surrender and pray for bail before the Court below. If he does so, the same shall be considered by the Court below on its own merit without being prejudiced by the present order.

(Kishore Kumar Mandal, J)

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