

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26313 of 2016

Arising Out of PS.Case No. -258 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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Md. Javed, S/o Late Md. Khalid, R/o Mohalla- Darji Tola, M.I.T., P.S.
Brahampura, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anish Kumar, Advocate.

For the Opposite Party : Mr. Arun Kumar Singh -5, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-09-2016 Heard both sides.

The petitioner apprehends his arrest in Brahampura P.S.
Case No. 258 of 2015 registered for the offences punishable under
Sections 376 and 511 of the Indian Penal Code and under Sections
4, 8, 12, 17 and 18 of the POCSO Act.

The mother of the victim alleged that her daughter aged
about 16 years had gone to attend call of nature on 15.09.2015, the
petitioner made an attempt to outrage her modesty.

Learned counsel for the petitioner submits that on the
date of occurrence the informant did not approach any police
station and filed a petition in the Janta Darbar of S.S.P.,
Muzaffarpur on 17.09.2015 on the basis of which the present FIR
was lodged. The petitioner happens to be the next door neighbour

of the informant. There is a land dispute between the petitioner and the informant and that is why the informant filed this case to settle the score. The investigating officer has not taken the statement of the victim, either under Section 161 Cr.P.C. or her statement was recorded under Section 164 Cr.P.C., but it appears from perusal of the record that the informant and other witnesses of the vicinity have very categorically stated that the victim was crying when the petitioner made an attempt to outrage her modesty and when they reached at the place of occurrence the petitioner fled away.

Considering the facts aforesaid and the fact that the petitioner is alleged to have made an attempt to outrage the modesty of a minor girl, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, if the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner.

(Prabhat Kumar Jha, J.)

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