

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31124 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -MANER District- PATNA

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Sanjeev Thakur @ Chhotu son of Sri Sanjay Thakur resident of
Village/Mohalla-Hajamtoli Maner, P.S.-Maner, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.Ajay Kumar Thakur and

Mr. Pravin Kumar, Advocates

For the State : Mr. Sri Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

3 11-08-2016 Heard learned counsel for the petitioner and the State

and perused the records of this case as well as Criminal

Miscellaneous No. 27984 of 2013.

Petitioner apprehends his arrest in a case registered for
the offences punishable under sections 452, 341, 323, 354,
379 and 506 of the Indian Penal Code and section 8 of the
Protection of Children from Sexual Offences (POCSO) Act,
2012.

As per the allegation, the petitioner entered the house
of the informant and put his finger into her mouth and,
thereafter, tried to outrage her modesty and started assaulting
her also and when she raised alarm he fled away warning her
to file a compromise petition.

It is contended by learned counsel for the petitioner



that the petitioner and the informant are next door neighbours and, on selfsame grounds, on earlier occasion also Maner Police Station Case No. 36 of 2013 under sections 376/511 of the Indian Penal Code was filed and, thereafter, section 307 of the Indian Penal Code was also added in which the petitioner was ultimately granted bail. It is further contended that, after about three years, similar accusation is being made by the informant against the petitioner in the present First Information Report. Apart from the above, it is contended that mere reading of the First Information Report shows that the story is absurd as it is not stated in the First Information Report that in the night of 09.02.2016 at about 10.00 P.M. how the petitioner could have entered the house of the informant without knocking at the door as it is alleged that when the informant opened the same she found the petitioner at the door. It is next contended that allegedly the petitioner put his finger in her mouth but the informant has not stated in the First Information Report that she had resisted and some injury was caused on the finger of the petitioner by the informant using her teeth etc. It is also not stated that, after alarm being raised, somebody from her house entered into her room which is also intriguing. During the period of three



years after lodgment of the First Information Report, as stated above, the informant did not complain before the court below by filing any petition that the petitioner is pressuring her for filing a compromise petition. It is also urged that the allegation that the petitioner took away the Balti is ornamental in nature.

Per contra, learned counsel for the State has submitted that the witnesses during the course of investigation, as noticed in the order of the Sessions Judge, have supported the case of the informant.

It is stated on behalf of the petitioner that, as per the First Information Report, when no witness had seen the occurrence then it is intriguing as to how after lodgment of the First Information Report several witnesses have come to support of this case. It appears that the same is an afterthought attempt to implicate the petitioner.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner, namely, Sanjeev Thakur @ Chhotu, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Special POCSO Case No. 19/16 arising out of Maner Police Station Case No. 58/16 dated 11.02.2016 on furnishing

bail bonds of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge, Patna subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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