

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10597 of 2017

Arising Out of PS.Case No. -116 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

=====

Satish Kumar, Son of Late Basistha Prasad, resident of Basistha Bhawan,
Sri Ram Nagar, Rewa Road, Bhagwanpur, P.O. & P.S. Sadar Bhagwanpur,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 11-04-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P.

The petitioner apprehends his arrest in Mahila P.S.
Case No. 116/2016, registered for the offences punishable under
Section 376, 354B and other sections of the Indian Penal Code and
sections 8, 12 and 18 of the P.O.C.S.O. Act.

The victim alleged that her father kept her and her
mother in a rented house situated at Chakkar Maidan, Kazi
Mohammadpur, Muzaffarpur since 2004. Her father was trying to
outrage her modesty and on pretext he was trying to kill her and
her mother. On 07.10.2016 her mother went outside for some
work, her father entered into her room and made an attempt to



outrage her modesty after stripping her cloths. On alarm, many persons came there, but her father jumped from the roof and got injured.

Learned counsel for the petitioner submits that the case has been compromised and the informant filed an affidavit stating that no such occurrence ever took place and on account of some misunderstanding the case was filed. She made false statement for lodging the case. It is further submitted that in the divorce case also she filed a detailed petition. The supervising authority found the case false due to mistake of facts. The victim is a major and her date of birth is 12.01.1998. On the date of occurrence she was more than 18 years and so there is no application of any sections of the P.O.C.S.O. Act.

Learned counsel for the informant also supported the submissions advanced by the learned counsel for the petitioner, but I find from perusal of the F.I.R. itself that even the daughter of the petitioner made serious allegation that the petitioner made attempt to outrage the modesty of her daughter after stripping her clothes. The petitioner was always trying to outrage her modesty. The victim made statement under Section 164 Cr.P.C. and she verbatim supported the allegation made in the F.I.R., but later on, it appears that the victim had compromised the case and filed



petition.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--

