

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30674 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -MAHILA P.S. District- BHAGALPUR

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Bidya Kant Jha, Son of Late Munni Lal Jha, Resident of Mohalla- Shailbag,
Aliganj, P.S.- Babarganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.p.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mahila P.S. Case No. 20 of 2017 instituted for the offence under Sections 376 (2) of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offence Act, 2012.

It has been submitted on behalf of the petitioner that the occurrence is said to have taken place on 22.3.2017 whereas the First Information Report has been lodged on 18.4.2017.

The statement of the victim girl has been recorded under Section 164 Cr. P.C. Even if the written report is taken to its face value, then Doctor has only treated the victim girl and he has not committed any overt act.

It is alleged in the written report that daughter of the informant had gone to the residential clinic of Doctor Bidya Kant Jha



(petitioner) who after making her naked, gave some medicine in her private part. It is further alleged that on 12.4.2017 the daughter of the informant made complain about pain in her stomach and, her M.C. started. Thereafter, the instant case has been filed.

From the statement of the victim girl recorded under Section 164 Cr. P.C. and the allegation in the complaint petition this Court finds that the victim girl has stated that she had gone to the residential clinic of the Doctor for treatment and during treatment, some medicine has been given inside her private parts by this petitioner.

The counsel for the opposite party No. 2 has submitted that no consent was taken by parents or guardian of the victim by the doctor as required under Section 41 of POCSO Act, 2012. There is allegation that when M.C. of the victim girl started, then the First Information Report has been lodged.

From the written report itself it appears that occurrence took place on 22.3.2017. There is delay of more than twenty days in filing the written report.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Mahila P.S. Case No. 20 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned 1st Additional District & Sessions Judge, Bhagalpur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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