

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7761 of 2019

Arising Out of PS. Case No.-103 Year-2018 Thana- MAHILA P.S District- Supaul

Sanjay Kumar Mehta @ Sanjay Kumar, aged about 20 years, Male, Son of Satya Narayan Mehta, Resident of Village Vayasi Dumri, P.S. Karjain, District Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-05-2019 Heard both sides.

Petitioner apprehends his arrest in Mahila P.S. Case No.103 of 2018, registered under Sections 341, 376, 511, 354B and 34 of the Indian Penal Code as well as under Sections 8 and 12 of the POCSO Act.

The victim alleged that on 27.06.2018, she had gone to her field situated ½ km. away from her house to cut grass but the petitioner came and made an attempt to commit rape with her. She further alleged that when the victim made protest, the petitioner assaulted her and assured her to marry. The victim disclosed the entire facts to her parents. A *panchayati* was held but later on the petitioner and the father of the petitioner refused to marry the victim.



Learned counsel for the petitioner submits that the occurrence is said to have taken place on 27.06.2018 but the victim made her *fardbeyan* on 02.08.2018. There is no semblance of truth in the statement of the victim. It is further submitted that the victim lodged the case only because she wanted to marry the petitioner but from perusal of the FIR, it appears that almost all the witnesses have reiterated the version of the informant. The victim also made her statement under Section 164 Cr.P.C. and disclosed that the petitioner firstly made an attempt to outrage her modesty finding her all alone in the field.

Taking into consideration the facts and nature of allegations made against the petitioner and the fact that processes under Sections 82 and 83 of the Cr.P.C. have already been exhausted against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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