

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17744 of 2019

Arising Out of PS. Case No.-1055 Year-2018 Thana- SONEPUR District- Saran

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1. Raj Kishor Mahto @ Raj Kishor, aged about 25 years, Male, Son of Late Ekashi Mahto, Resident of Village Khariadih, P.S. Sonepur, Distt Saran.
 2. Ravindra Kumar, aged about 24 years, Male, Son of Ramjeet Mahto, Resident of Village Khariadih, P.S. Sonepur, Distt Saran.
 3. Vicky Kumar, aged about 23 years, Male, Son of Lakhan Mahto, Resident of Village Khariadih, P.S. Sonepur, Distt Saran.
 4. Sanjay Kumar, aged about 22 years, Male, Son of Saral @ Ramesh Mahto Resident of Village Khariadih, P.S. Sonepur, Distt Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-03-2019 Heard both sides.

Petitioners apprehend their arrest in Sonepur P.S. Case No.1055 of 2018, registered under Sections 376, 511 and 34 of the Indian Penal Code read with Sections 8/16(ii) of the POCSO Act.

The victim made allegation that while she was returning to her house after seeing *Durga Puja* organized in *Hanuman* Temple, the petitioners caught her. They were outraging the modesty of the informant. They were teasing and touching her body and they were taking her to a lonely place to



outrage the modesty.

Learned counsel for the petitioners submits that no offence under Sections 376 and 511 of the Indian Penal Code as well as under Sections 8/16 of the POCSO Act is made out. Now the good sense has prevailed. The informant herself compromised the case but from the contents of the FIR, it appears that the informant is a minor, aged about 15 years, and there is specific allegation against the petitioners that while she was returning to her house after seeing *Durga Puja*, the petitioners teased her after tying her *Dupatta* around her neck and they were dragging her to a lonely place but on alarm two persons came and saved the victim.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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