

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17724 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- PIRI BAZAR District- Lakhisarai *

Nitish Kumar S/o Dinesh Mahto @ Baba Jee, Resident of Village-Shivnagar,
P.S-Piri Bazar, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2019 Heard both sides.

The petitioner apprehends his arrest in Piri Bazar P.S.
Case No.02 of 2019 registered under Sections 323, 504, 506,
354(B), 354(C), 354(D) and 34 of the Indian Penal Code and
under Sections 66A(E), 67(A) of the Information Technology
Act and under Sections 7 and 8 of POCSO Act.

The informant (father of the victim) alleged in his
written statement that one Bhim Mahto (son of informant's
friend) informed him that some obscene photographs of the
daughter of informant were sent on his Whatsapp from Mobile
No.7257886520. The informant made enquiry about the veracity
of information and he came to know that Nitish Kumar
(petitioner) and his friend Ashutosh Kumar @ Bhoma snapped
the photographs of his daughter and also tried to outrage her



modesty by putting hands on her private part. On alarm, both the accused persons fled away.

Mr. Pramod Kumar Singh, learned counsel for the petitioner submits that the first part of allegation is that Whatsapp message was sent through Mobile No. 7257886520. The petitioner is not the owner of said mobile number. The victim did not disclose about the first occurrence alleged to have taken place with her. It is further submitted that Bhim Mahto has got inimical term with the father of the petitioner. At the instance of Sanjay Mahto, the informant lodged the case against the petitioner. The informant is working as a servant of Sanjay Mahto. One title suit is pending between Sanjay Mahto and the father of petitioner, namely, Dinesh Mahto. The petitioner has falsely been implicated in this case, but from perusal of contents of the F.I.R. and the order of learned Sessions Judge, it appears that there is no document to show that the informant is working as a servant of Sanjay Mahto. Bhim Mahto (son of informant's friend) informed the informant after receipt of obscene photographs of the daughter of informant on Whatsapp. On enquiry, the daughter of the informant disclosed the entire facts about the occurrence and stated that the petitioner and his friend Ashutosh Kumar & Bhoma snapped her photographs and they



also tried to outrage her modesty by putting hands on her private part. It is quite natural that the victim, who is a minor, did not disclose the facts to her parents immediately after the occurrence.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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