

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42523 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- MAIN P.S. District- Gaya

Jayram Kumar (Male), aged about 20 years, Son of Sri Girja Yadav Resident of Village-Gangati Dhibra Par, Police Station-Main and District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 3, Advocate
		Mr. Aryan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has moved the Court seeking pre-arrest bail in connection with POCSO Case No. 43 of 2019 arising out of Main PS Case No. 20 of 2019 dated 03.05.2019 instituted under Sections 341, 323, 379, 504, 506 and 354(A) of the Indian Penal Code and Section 8/12 of the Prevention of Children from Sexual Offences Act, 2012 (hereinafter referred to as the ‘Act’).

3. The petitioner is accused of trying to commit rape on a minor girl after tearing her clothes and taking her away with such intention.



4. Learned counsel for the petitioner submitted that he has not committed any offence and further that he is innocent as there was an altercation with the sister-in-law (*bhabhi*) of the alleged victim girl due to which he has been falsely implicated.

5. Learned APP submitted that there is specific allegation of the petitioner of taking her forcibly towards the bamboo field after putting his hand over the mouth and also tearing of her clothes, which clearly indicates intention to commit rape and outrage the modesty, which are punishable under the Act.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail.

7. Accordingly, the application stands dismissed.

8. The interim protection given to the petitioner under order dated 01.10.2019 stands withdrawn.

(Ahsanuddin Amanullah, J.)

P. Kumar

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