

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2106 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- CHEWARA District- Sheikhpura

Parshuram Yadav @ Parshuram Kumar, Male, aged about 20 years, Son of Sri Krishna Yadav @ Krishndeo Yadav, Resident of Village- Uttar Tola, Chewara, P.S. Chewara, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 354 and 354B of the IPC and Section 8 of the Protection of Children from Sexual Offences Act.

The prosecution case, as per the written report of Neelam Devi, dated 22.10.2018, submitted to the Station House Officer, Chewara Police Station, is to the effect that on 22.10.2018, at about 10 A.M., the daughter of the informant, namely, Soni Kumar, aged about 10 years, went outside to ease, in the meantime, the petitioner came and put his hand her chest and



also tried to drag her in the field. On alarm being raised by the victim, the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that maliciously, the accusation has been levelled against the petitioner and even assuming the accusation to be true, no offence under Section 8 of the Protection of Children from Sexual Offences Act is made out. It is further submitted that the petitioner has to appear at the Intermediate examination. Moreover, the statement of the victim under Section 164 Cr. P.C. has not been recorded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation against the petitioner is specific.

Considering the fact that the petitioner has to appear at the Intermediate examination and the FIR does not suggest that the victim was medically examined, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-I, Sheikhpura, in connection with Chewara P.S. Case No. 53 of 2018/POCSO Case No. 45 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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