

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57387 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- PARAIYA District- Gaya

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RAM KALYAN SINGH @ RAGHUVIR SINGH Son of Sri Ramsujan Singh
Resident of Rampur, P.S.- Paraiya, Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagadeo Choubey
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2019 Heard both sides.

The petitioner apprehends his arrest in Paraiya P.S.
case No. 60/2019 registered under Section 354A, 504, 506/34 of
the IPC and u/s 12 of POCSO Act.

The informant alleged that while she was returning
from the house of Brahmdeo Singh, after seeing a marriage
ceremony, the petitioner caught her and after pressing her mouth
began to drag her towards school with an intention to outrage
her modesty but somehow she raised alarm and fled away to her
house.

The learned counsel for the petitioner submits that
victim made her statement u/s 164 of the Cr. P. C. but she did
not disclose about the presence of any other person. The FIR
was lodged after 40 hours of the occurrence. No offence u/s 12



of the POCSO Act is made out. It is submitted that sexual harassment is defined u/s 11 of the POCSO Act but no ingredient is present constituting offence u/s 12 of the POCSO Act.

On the other hand the learned counsel for the informant as well as the learned APP vehemently opposed the prayer for anticipatory bail.

On the face of it, it appears that the victim is aged about 14 years and she made allegation that it was the petitioner who made an attempt to take her to a lonely place inside the school in order to outrage her modesty in the night, while she was returning from the house of her neighbour after seeing the marriage ceremony, but somehow she saved herself and raised alarm.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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