

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66678 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- CHEWARA District- Sheikhpura

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Kamesh Kumar, aged about 29 years, Sex-Male, Son of Radhe Shyam Saw @
Radhe Shyam, Resident of Village + P.S.- Chewara, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Brijnandan, Advocate

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Chewara
P.S. Case No. 42 of 2019 registered for the offences punishable
under Sections 341, 342, 354(B) of the Indian Penal Code and
Section 8 of POCSO Act.

The prosecution case in brief is that the informant
Sona Kumari aged about 14 years daughter of Jamuna Sao is
resident of village Chintamanichak, Chewara, Sheikhpura. On
dated 23.09.2019 at about 2 P.M. when the informant went to
Adarsh Studio, Chewara for clicking her photo, then in the shop,
the shopkeeper namely Kamesh Kumar (petitioner) took her
inside and forcefully caught her hand with bad intention. When



the informant protested the act of accused, then the petitioner took her to the room, somehow the informant managed to escape from there. With this allegation, the F.I.R. was registered against the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no any offence. He further submits that Section 8 of POCSO Act is not applicable against the petitioner. The said occurrence took place at 2 P.M. while the market remain very busy at this time. The petitioner is in jail custody since 24.09.2019.

Learned counsel for the State submits that there is serious allegation against the petitioner. Allegation against the petitioner is that when informant Sona Kumar aged about 14 years went to Adarsh Studio, Chewara for clicking her photo. Then in the shop, the shopkeeper, petitioner took her inside and forcefully caught hr hand with bad intention. When the informant protested the act of accused, then the petitioner took her to the room, then the informant bite in the hand of the petitioner and managed to escape from there. On perusal of the record including the case diary, the statement of the victim has supported the other witnesses in the case diary.



In the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected. However, the petitioner may renew his prayer for bail after six months.

(Anjani Kumar Sharan, J)

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