

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78924 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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MUKESH KUMAR Son of Shatrughan Rai Resident of Village - Bishunpur
Bathua ward no.-8, P.S.- Pusa, District - Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nirmala Devi Wife of Yogendra Sharma Resident of Village - Bishunpur
Bathua, P.S.- Pusa, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 504,379/34 of the Indian Penal Code and under Section 8 of the POCSO Act.

According to complaint based allegation, co-accused Rahul Kumar allegedly committed sexual assault against the minor daughter of the complainant. When the complainant saw the occurrence she made alarm thereafter the petitioner and others reach there and committed assault against the complainant.



Submission is that there is delay of 12 days in lodging of the complaint petition. Land dispute is reason for the occurrence and co-accused Rahul Kumar has already been allowed anticipatory bail by a co-ordinate Bench of this Court vide Annexure-4.

There is no material to substantiate land dispute between the parties. Since allegation is of commission of sexual assault against a minor girl, the family members might be hesitant to disclose all these things which might have affected the future life of the victim. Hence the delay not material.

Before the coordinate Bench it was submitted that no case under Section 8 of the POCSO Act is made out against co-accused Rahul Kumar whereas the complaint petition clearly makes out a case under POCSO Act.

Considering the entire facts, I am not inclined to grant anticipatory bail to the petitioner in connection with Complaint Case No.34(c)/2018 pending in the court of learned Special Judge, POCSO Act, Samastipur. Prayer is refused.

(Birendra Kumar, J)

Prakash Narayan /-

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