

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81214 of 2019**

Arising Out of PS. Case No.-64 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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SAMSHER ALAM, Son of Sk. Ahsan @ Shekh Ahsan, Resident of Village -
Bherihari, P.S.- Purushottampur, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
13.08.2019 in a case registered for the offences punishable
under Sections 354A, 354B of the Indian Penal Code and
Sections 7, 8 of the Protection of Children from Sexual
Offences Act, 2012.

The prosecution case as per the written report of
Naseem Alam submitted to the S.H.O., Purushottampur Police
Station is to the effect that on 13.08.2019 at 10.50 P.M., six
years old daughter of the informant, namely, Anis Tara @
Muskan was returning from a fair when this petitioner lifted
her and tried to take her to a cane field to ravish her, but on



alarm being raised by the victim, the villagers came and rescued the victim girl.

It is submitted by learned counsel for the petitioner that the accusation levelled in the written report to the effect that a six years old girl was returning from a fair alone appears to be unreasonable. In fact, the victim got lost her ways and the petitioner tried to reach her home, but only on the basis of suspicion, the villagers assaulted the petitioner and implicated in the present case with frivolous accusation. Subsequently, the informant retracted from the initial version and filed a petition to that effect before the learned Court below. Moreover, even assuming the accusation to be true, no offences under Sections 354A and 354B of the I.P.C. and Sections 7/8 of the Protection of Children from Sexual Offences Act, 2012 is made out. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation against the petitioner in the FIR.

Considering the nature of accusation, retracted version of the informant, coupled with 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J.-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in connection with Purushottampur P.S. Case No. 64 of 2019.

(Dinesh Kumar Singh, J)

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