

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10073 of 2020**

Arising Out of PS. Case No.-789 Year-2019 Thana- MADHEPURA District- Madhepura

BIKRAM KUMAR @ VIKRAM KUMAR, Son of Girdhar Poddar, Resident  
of Chakla, Ward No. 13, P.S. and District – Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      25-06-2020

This case has been heard through Video Conferencing.

Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Sections 341, 354(B),  
379, 504, 506/34 of the Indian Penal Code and Section 12 of the  
POCSO Act, 2012.

Prosecution case in brief is that the informant Rakesh  
Thakur has submitted his written report to S.H.O. of Madhepura  
P.S. in which he has alleged that on 04.09.2019 at about 9.00 a.m.  
her daughter Anjali Kumari was returning from coaching classes  
but in the way when she arrived near South to the bridge of canal  
near the lonely place, in the meantime one Bikram Kumar  
(petitioner) and Chhotu Kumar both are from village-Chakla,  
Madhepura arrived there on Super Splendor Bike and abused



Anjali Kumari and took her Dupatta and with bad intention co-accused Chhotu Kumar started misbehave upon hulla nearby people assembled thereupon which accused persons fled away from there. Further, petitioner took silver chain worth Rs. 2,000/- thereafter Panchayati was held but nothing was done.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the FIR.. It is humbly submitted that FIR itself shows that there is no specific allegation against the petitioner rather the allegation against the petitioner in the FIR that petitioner took silver chain from the neck of daughter of informant which is super addition as well as dirty village party politics. It is also humbly submitted that the informant is co-villager of the peitioner and just prior to the present case petitioner has filed the Complaint Case No. 539/2019 under Sections 341, 323, 342, 379, 504, 506, 34 of the I.P.C. on 05.09.2019 before the learned C.J.M., Madhepura against the informant of the present case namely Rakesh Thakur and 8 other persons which is pending before the court below, thereafter, the present FIR was lodged in which the petitioner was also falsely dragged alongwith co-accused Chhotu Kumar only in order to save from the aforesaid Complaint filed by the petitioner.

Learned counsel for the petitioner further submits that the statement of the daughter of the victim/informant has not been



recorded under Section 164 Cr.P.C. In the facts and circumstances of this case stated above, it is clear that no case is made out under Sections 354 (B), 379 of I.P.C. and Section 12 of POCSO Act, 2012 against the petitioner.

I have gone through the case diary in which witnesses have supported the prosecution case.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with POCSO-45/2019 arising out of Madhepura P.S. Case No. 789 of 2019 from the Court of learned A.D.J.-1st cum Special Judge, Madhepura.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

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