

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10951 of 2020**

Arising Out of PS. Case No.-396 Year-2019 Thana- FALKA District- Katihar

Gulshan Kumar S/o Kailash Mahaldar @ Kailash Mandal R/o village-  
Madrauni, P.S.- Rangra, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      06-10-2020                      Heard learned counsel for the petitioner and learned  
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Falka P.S. Case no. 396 of 2019 registered under sections 354A, 341, 323, 456, 504, 506 and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per allegation in the FIR, it is stated that in the night of the date of occurrence, the petitioner came and was misbehaving with the informant when a hulla was raised and he was caught by her father. It is stated that he started to say that he had fallen in love, started to abuse and entered into a scuffle with the informant's father. Subsequently, the other accused persons came to his rescue, assaulted other persons and went away with the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. There is case and counter case between the parties, the correct version having been stated in the FIR at Annexure 2



to the petition. It is submitted that the petitioner who was on friendly terms with the informant of Annexure-1 was called by her by dialing from her mobile phone and was talking to her when he was assaulted by the members of her family and was falsely implicated in the case.

The application for bail is opposed by learned counsel for the State.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the contents of the case diary it transpires that the informant who is a minor, has supported the allegations as made by her in the FIR in her statement under section 164 Cr PC. Thus, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such his application is rejected.

**(Partha Sarthy, J)**

Prakash/-

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