

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14231 of 2020**

Arising Out of PS Case No.-194 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

Raj Narayan Jha, aged about 65 years, Son of Late Ramudhar Jha, Resident of
Village - Lakhanpatti, P.S.- Warishnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Kumar, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Vivekanand Kumar, learned counsel for the petitioner and Mr. Traun Prasad Mandal, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Ghanshyampur PS Case No. 194 of 2019 dated 23.09.2019 instituted under Sections 377 and 511 of the Indian Penal Code and 8/12 of the POCSO Act.

4. The allegation against the petitioner is that he tried to commit unnatural offence with a 10 years old boy, in the premises



of a temple, which was prevented by four villagers who reported the matter to the guardian of the boy and thereafter the FIR was lodged by the uncle of the victim boy.

5. Learned counsel for the petitioner submitted that the allegation is false, at the instance of the local *sarpanch*, due to political rivalry and he had not committed any offence. It was further submitted that he has no other criminal antecedent and is in custody since 23.09.2019.

6. Learned APP submitted that the petitioner was caught attempting to commit unnatural offence on a minor boy and because of the four persons who has come to the temple, the petitioner was prevented in actually committing the offence. It was further submitted that there is no rivalry between the four persons, who had caught the petitioner trying to commit the offence and, thus, there cannot be any motive or false implication. It was further submitted that chargesheet has been submitted against the petitioner as the case has been found true after thorough investigation.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.



9. However, in view of the chargesheet having been submitted, let the trial be expedited.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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