

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15104 of 2020

Arising Out of PS Case No.-103 Year-2019 Thana- BARHAT District- Jamui

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Dablu Yadav, aged about 21 years, Male, Son of Late Sagrith Yadav, Resident of Village- Tengahra, P.S.- Barhat, District- Jamui (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-06-2020

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

2. Heard Mr. Satya Prakash Parasar, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Barhat PS Case No. 103 of 2019 dated 04.11.2019 instituted under Sections 354B of the Indian Penal Code and 8 of The Protection of Children from Sexual Offences Act, 2012.



4. The allegation against the petitioner is of trying to outrage the modesty and inappropriately touching the body of the informant, who is said to be 12 years of age.

5. Learned counsel for the petitioner submitted that in the FIR, the story is that the petitioner after entering the house of the *Mausi* of the victim, had pushed her to the ground and had touched her body and upon cry raised had fled away. It was further submitted that in her statement to the Court under Section 164 of the Code of Criminal Procedure, 1973, she has stated that after taking a bath, she had come inside and was combing her hair when the petitioner came and had thrown her down and had tried to drag her and had only touched her cloth. It was submitted that there is discrepancy in the two versions which makes the prosecution story doubtful. It was further submitted that the petitioner is in custody since 05.11.2019.

6. Learned APP submitted that the victim had gone to her *Mausi's* place for the festival of *Chhath* and finding her alone, petitioner, who is a neighbour, tried to commit the crime, but because of cry raised by the girl, who was only 12 years of age, he fled away. It was submitted that the girl who had gone to her *Mausi's* place for *Chhath* would not unnecessarily and falsely



implicate her *Mausi's* neighbour at the cost of harming her own reputation, and further, there is also no motive for her to do so.

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, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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