

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15560 of 2020**

Arising Out of PS. Case No.-452 Year-2019 Thana- CHANDI District- Nalanda

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Satish Kumar, aged about 23 years (Male), Son of Vijay Bind Resident of Village- Musnapar, P.S.- Gaurichak, District- Patna, at present resident of Village- Ganga Bigaha, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, Advocate

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

Date : 03-07-2020

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

2. Heard Mr. Anil Kumar Singh, 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 Chandi PS Case No. 452 of 2019 dated 01.12.2019 instituted under Sections 376/511 of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act, 2012

4. The petitioner is alleged to have outraged the modesty of the minor daughter of the informant but because cry



raised by her, further crime was prevented.

5. Learned counsel for the petitioner submitted that the occurrence is alleged to have occurred in the maternal house of the petitioner and the allegation is that the victim was sleeping on the same cot with her mother and the petitioner came inside and touched her private part due to which she raised cry and the petitioner ran away. Learned counsel submitted that there is dispute relating to property as the mother of the petitioner is claiming her share which the father of the victim was resisting. It was further submitted that the allegation is not fit to be believed as in the FIR itself it has been stated that the informant and the victim were sleeping on the same cot and, thus, it was not possible for the petitioner to have been so bold to go and attempt to commit such crime when the mother of the victim girl was sleeping on the same cot. Learned counsel submitted that even otherwise there was only an attempt made and the petitioner is in custody since 02.012.2019.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution case and further that soon after the incident, the informant, who is the mother of the victim girl, died as a result of shock of this incident and thereafter the victim has gone outside the village with her family



and the petitioner has criminal antecedent.

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.

(Ahsanuddin Amanullah, J)

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