

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15353 of 2020

Arising Out of PS. Case No.-55 Year-2018 Thana- MAHILA P.S. District- Nalanda

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KAMAL KANT @ KAMLA KANT PRASAD S/o Kapil Prasad Resident of
Village- Bauridih Post Bauri Sarai, P.S.- Khudaganj, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Kumari Chandna
For the State	:	Mr.Arun Kumar Singh
For the informant	:	Mr. Dineshwar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 14-10-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Mahila P.S. case No. 55/2018 registered under Section 354(B) of the IPC and u/s 8/12 of POCSO Act.

The informant, mother of the victim, alleged that she left her daughter at the Chat Thela of the petitioner and told the petitioner to give Chat to her daughter. The informant went to another shop but when the informant returned her daughter was weeping. Her daughter disclosed that petitioner touched her private parts and when she started weeping the petitioner fled away.



The learned counsel for the petitioner submits that the petitioner is innocent. The petitioner is co-villager of the informant. No such occurrence as alleged by the informant took place but on account of some enmity the petitioner has falsely been implicated in the case. The police submitted final form finding the accusation false on account of lack of evidence against the petitioner but the learned Magistrate took cognizance after perusing the case diary and the other material available therein, therefore, the petitioner deserves anticipatory bail.

On the other hand, the learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail and submit that petitioner tried to outrage the modesty of eight years old girl and when she started weeping the petitioner managed to flee away from the place of occurrence. During the course of investigation, the victim reiterated the same facts that the petitioner touched her private parts. It is further submitted that petitioner has already entered his appearance through his lawyer in the court below and he was directed to physically present in court.

Having regard to the facts that victim, who is eight years old girl, made specific allegation against the petitioner that petitioner touched her breast and other parts of her body and



also teased her, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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