

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35031 of 2020

Arising Out of PS. Case No.-633 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

SURAJ KUMAR, Son of Rabindar Prasad, Resident of Village- Badi Khagaul
Masjid, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Anand Mohan Pd. Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 376 and 354(B) of the Indian
Penal Code and Sections 3, 4, 7 and 8 of the POCSO Act.

The prosecution case in brief is that the informant one
Anita Devi alleged inter alia that on 29.08.2019 when she



returned the house from the duty her daughter narrated her that in the morning her step father stopped her from going to school and told her to see a movie on mobile, thereafter, she came on bad and they watched a movie together. In the meantime, the father began to touch her private part which made her to proceed to another room. The father appeared over there pressed her mouth forcibly and threatened her not to tell her mother about this as it has been committed by mistake. When the girl began to cry the petitioner closed the room open her cloth and inserted his finger in the private part and pressed breast.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is in jail custody since 30.08.2019. The petitioner has no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail petition and submits that on perusal of statement recorded u/s 164 Cr.P.C., it appears that victim has fully supported the prosecution case. It is a heinous crime.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in



connection with Special Case No. 167/2019 arising out of
Ramkrishna Nagar P.S. Case No. 633/2019 from the Court of
learned Additional Sessions Judge cum Special Judge, POCSO,
Patna.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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