

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27057 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- TANDWA District- Aurangabad

OKIL YADAV S/o Nagdev Yadav Resident of Village-Bichakurava, P.S.-
Tandwa, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Singh, Sr. Advocate

For the Opposite Party/s : Mr.Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-11-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned Senior counsel for the petitioner and Sri Nityanand Tiwary, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Tandwa PS case no. 33 of 2020 registered for the offences punishable under Sections 353A, 341, 323 of Indian Penal Code, Section 12 of POCSO Act and 3(i)(w)(r), 3(2) (va) of SC/ST (POA) Act.

The allegation is regarding the informant along with her minor daughter having gone to the field situated in the western side of the house to pick cow dung since the informant is having difficulty in her leg and is a handicapped person and when the informant was returning and had reached near *PAEN*,



she found that her daughter was weeping and one person i.e. the petitioner herein was trying to flee away. The informant is then stated to have asked her daughter as to what had happened, whereupon she disclosed that the petitioner was trying to sexually abuse her, whereafter the informant had come back to her house and disclosed about the incident to her family members.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that till date, the statement of the victim girl has not been recorded under Section 164 Cr.P.C., hence it is apparent that a false case has been lodged against the petitioner herein.

Having heard the learned Senior counsel for the petitioner as also the learned APP for the State and upon perusal of the materials on record, this Court finds that *prima facie*, a case is definitely made out against the petitioner herein of outraging the modesty of a minor girl, hence, I do not find the present case to be a fit case for grant of anticipatory bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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