

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71991 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- BALIGAON District- Vaishali

PAWAN KUMAR JHA (Male), aged about 34 years, son of Umakant Jha,
Resident of Village - Chakjado, P.S.-Baligaon, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 18-09-2020 Heard learned counsel for the petitioner and
learned APP for the State through Virtual Court Proceeding.

In this case, the petitioner is seeking anticipatory
bail in connection with Baligaon P.S. Case No.21 of 2019,
registered for the offence under Section 376 of the Indian Penal
Code read with Sections 4 and 8 of the POCSO Act.

An F.I.R. has been lodged by the brother of the
victim *inter alia* alleging that his sister has been perpetrated to
sexual assault and when the informant asked the petitioner why
he committed such an offence the petitioner assaulted him. It
has also been alleged that when the villagers could know the
aforesaid fact, a *Panchayati* was called for but, the petitioner
has refused to accept the terms of the *Panchayati*.



The statement of the girl has been placed before this Court, wherein she has narrated the entire incident in what manner the petitioner has perpetrated the sexual assault, not required to be narrated in the present order.

Learned counsel for the petitioner submits that the real fact is that the brother of the victim i.e. informant had taken money from the petitioner and on that account the present case has been lodged. He further submits that the petitioner is Professor in the College and occasionally he comes to the village when there is function in the village. He next submits that all the witnesses have not supported the prosecution case rather, supported the version of the petitioner, inasmuch as, there is a delay in filing the F.I.R. that too without any explanation. He also submits that in the *Panchayati* only issue was raised with regard to return of the money but, could not be materialised and on that account, the present case has been lodged.

Learned counsel for the State submits that there may be some dispute with the brother of the victim but, enmity cut both ways, inasmuch as, when the victim girl has come forward and narrated the entire incident, in such circumstance, disbelieving the prosecution case is uncalled for. He further



submits that the in such type of cases the best witness is the one who has faced the hit of the incident not the villagers, who have only enjoyed the traumatic condition of the girl.

Considering the fact that the victim girl has come forward and narrated the entire incident in what manner the petitioner has perpetrated the sexual assault, this Court is not to grant bail to the present petitioner. Accordingly, the prayer of the petitioner for anticipatory bail is rejected.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--

