

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76899 of 2019

Arising Out of PS. Case No.-221 Year-2019 Thana- KARAKAT District- Rohtas

Heera Kumar Gupta Son of Deo Murat Sah Resident of Village and P.O.
Kurur, Police Station- Karakat (Gorari), District- Rohtas at Sasaran

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-03-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Karakat PS Case No. 221
of 2019 registered under Sections 354B IPC and Section 8/12 of the
Pocso Act.

The allegation in the FIR is that the petitioner caught hold
of the hands of the victim girl who is minor and a student and the
petitioner is a junior most teacher and Incharge Headmaster.

The petitioner's Counsel submits that the victim has been
set up to implicate the the petitioner on extraneous consideration.
This fact is borne from the statement of two teachers recorded on
28.8.2019 in course of investigation. The three girls, regarding whom
there is allegation that they had seen the occurrence, have also
denied knowledge of the occurrence.

Learned APP has drawn attention of the court towards the
specific allegation levelled in the FIR to the extent that the petitioner
has caught hold of the victim girl, who is a minor. The offence arises
out of Pocso Act and merely because certain witnesses have
expressed possibility of false implication the petitioner would not be
entitled to the privilege of anticipatory bail having regard to the
nature of allegation.



Considering the rival submissions the prayer of the petitioner for anticipatory bail is rejected.

The petitioner would be at liberty to raise these issues at the time of prayer for regular bail before the court concerned. It is needless to say that the court below shall take into consideration aforesaid submissions.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

