

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83122 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- MAGADH UNIVERSITY District- Gaya

Shraman Chaudhary @ Nanhe Chaudhary, aged about 20 years (Male), Son of
Babulal Chaudhary Resident of Village- Bara, P.S.- Magadh University,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
POCSO Case No. 80 of 2019 arising out of MU PS Case No. 83
of 2019 dated 04.08.2019 instituted under Sections 457/354B
of the Indian Penal Code and 7 of The Protection of Children
from Sexual Offences Act, 2012.

3. The allegation against the petitioner is of
outraging the modesty of the victim girl, who was a minor, with
bad intention.

4. Learned counsel for the petitioner submitted that



though the incident is alleged to have taken place on 01.08.2019 but the FIR was lodged only on 04.08.2019 which raises doubts with regard to the allegation itself. It was further submitted that in the statement before the Court under Section 164 of the Code of Criminal Procedure, 1973 she has stated that on the fateful night on 01.08.2019 she was alone with her brother and sister in her house as her parents had gone to Deoghar and when they returned on 02.08.2019, she had narrated the incident and most importantly, as per her version before the Court, the petitioner had come to her house at 11:00 o' clock at night but had only pulled her leg upon which she claims to have woken up and raised alarm and the petitioner is alleged to have fled away. Learned counsel submitted that the petitioner has been falsely implicated having no criminal antecedent and is in custody since 05.08.2019.

5. Learned APP submitted that there cannot be any false implication as admittedly the parties are neighbours and further that no person or girl would make such allegation where her own prestige is at stake.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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