

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15975 of 2020

Arising Out of PS. Case No.-452 Year-2019 Thana- NARPATGANJ District- Araria

Pintu Kumar @ Tutoo Yadav @ Pintu Yadav @ Pintu Kumar Yadav Son of
Siyaram Yadav Resident of Village - Mirdaul, P.S.- Narpatganj, Distt - Araria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Anil Prasad Singh
For the State	:	Mr.Shantanu Kumar
For the Informant	:	Mr.Gopal Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-01-2021 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in Narpatganj P.S.
Case No. 452 of 2019 corresponding to Special (POCSO) Case
No. 44 of 2019 registered for the offence under Sections 341,
323, 354A, 354B, 379, 504, 506/34 of the Indian Penal Code
and Section 8 of POCSO Act.

As per the prosecution case, this petitioner is alleged
to have tried to molest victim (informant) and made indecent
assault to her and her family members.

It is submitted on behalf of petitioner that due to
enmity and grudge, the present false case has been lodged
against this petitioner. The victim is major and as such, POCSO
Act is not attracted against this petitioner.



However, learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail application. It was submitted by the counsel for informant that there is direct and specific allegation against this petitioner for attempting to commit sexual assault with the informant, which has also been supported by the victim (informant), in her statement recorded under Section 164 of the Cr.P.C.

Considering the nature of allegation and the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner and accordingly, same is rejected.

(Prabhat Kumar Singh, J.)

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