

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28489 of 2020

Arising Out of PS. Case No.-454 Year-2019 Thana- MALSALAMI District- Patna

SHIBU KUMAR Son of Sudhir Prasad Resident of Mohalla- New Colony
Choti Mandir Bundel Toli, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Sharma

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-01-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Malsalami P.S. Case No. 454 of 2019 (Special Case No. 247 of 2019), registered for the offence punishable under Sections 448, 341, 323, 354 and 34 of the Indian Penal Code and section 8/12 of the POCSO Act.

As per the prosecution case, on 09.12.2019 at about 4.30 pm while the informant was at her house with two younger brothers, in the meantime, petitioner entered into her house and outraged her modesty. On protest, petitioner slapped her and fled away.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to previous enmity. Petitioner is next door neighbour. There is no



eye-witness of the occurrence. Petitioner is in custody since 13.01.2020 having no criminal antecedent as stated in para 3 of the petition.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific allegation of outraging modesty of the informant.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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