

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29604 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- KHIJARSARAI District- Gaya

MANTU KUMAR @ DHIRJESH KUMAR, S/o Late Purnendu Prasad, R/o
Vill.-Suryapura, P.S.-Bodh-Gaya, Distt.-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 20-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 354(D) of
the Indian Penal Code, Section 8 of the POCSO Act and 66(D)
of I.T. Act.

Prosecution case in brief is that as per FIR, the



informant submitted a written report stating therein that he is a backward class labourer and does agricultural work with his children. His minor daughter namely Malti Kumari used to go outside of village for study. The petitioner with his associates took away her forcibly somewhere and made vulgar video and viraled vulgar video through Whats app No. 6299651342, which is shameful in society and due to which girls are not able to go outside for study.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The alleged Whats App No. 6299651342 does not belong to the petitioner. The petitioner has no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that the statement of victim recorded under Section 164 Cr.P.C. has supported the prosecution story. It is not fit case for anticipatory bail.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Khizersarai P.S. Case No. 49 of 2020 and POCSO Case No. 20/2020 from the Court of learned Special Judge (POCSO Act), Gaya.



Accordingly, this application is dismissed.

However, petitioner is directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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