

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35144 of 2020

Arising Out of PS. Case No.-148 Year-2020 Thana- BANMANKHI District- Purnia

Awadhesh Kumar, aged about 21 years, Male, S/o Nityanand Mandal, R/o Village-Harimudhi, P.S-Banmankhi, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate
		Mr.Dr. Bidhu Ranjan, Advocate
For the State	:	Mr.Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 Heard Mr. N.K. Agrawal, learned senior counsel assisted by Dr Bidhu Ranjan, learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Special (POCSO) Case No.39 of 2020 arising out of Banmankhi P.S. Case No. 148 of 2020 registered for the offences punishable under Sections 448, 341, 323, 427, 354(B), 379, 506/34 of the Indian Penal Code and Section 12 of POCSO Act.

The prosecution case is that the victim Pushpa Kumari is the informant who submitted a written report to the S.H.O. of Banmankhi Police Station with the allegation that on 17.06.2020 at 4:00 p.m. while she was inside her house in the meantime Awadhesh Kumar and Bittu Kumar after removing the fence



entered into her house and misbehaved with her to the extent of outrage her modesty and also shut her mouth and it is further alleged that they have also pointed knife on her neck and when she raised alarm, her daughter Anku Devi came to rescue but she was also assaulted by means of fist and slaps then her another sister Soni Devi came for rescuing her then the accused persons snatched her ear ring and told her that they would kill Pushpa Kumari. Hearing the sound of noise, the villagers came but they managed to escape.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that under the statement under Section 164 Cr.P.C., the victim has stated that he along with his sister catch hold the petitioner and handed over to the police but in the F.I.R., he said that on the alleged alarm, the petitioner fled away. Thereafter, the police has been arrested the petitioner later on. Learned counsel for the petitioner further submits that no offence under Sections 354(B) and 379 of I.P.C. is made out against the petitioner and petitioner is in jail custody since 19.06.2020 and no POCSO Act has been made out against the petitioner. He further submits that there is contradiction statement under Section 161 Cr.P.C. and 164 Cr.P.C.



Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special (POCSO) Case No.39 of 2020 arising out of Banmankhi P.S. Case No. 148 of 2020.

(Anjani Kumar Sharan, J)

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