

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36692 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- ATRI District- Gaya

English Kumar, Son of Ram Vilash Mistri, resident of Village Khiri, P.S.-
Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hare Ram Sah- Advocate

For the Opposite Party/s : Mr. Binod Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-10-2021 Heard Mr. Hare Ram Sah, learned Advocate for the
petitioner and Mr. Binod Kumar, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with POCSO Case No.27 of 2020 arising out of Atri P. S. Case No.51 of 2020, instituted for the offences under Section 8 of the POCSO Act and Section 354(B) of the Indian Penal Code.

The learned counsel for the petitioner submits that from bare perusal of F.I.R., it would manifest that the informant has alleged that on 28.02.2020 at about 8.00 that when she had gone to attend the nature's call outside the house and when she was on her way to the field, the petitioner caught her hand and tried to commit rape after throwing her in the field. On protest made by the informant, the petitioner fled away.



The learned counsel for the petitioner submits that the petitioner is falsely implicated in this case as in the F.I.R. the informant has alleged that the petitioner tried to commit rape upon her, but could not succeed as she was saved by passer-by who came there hearing her noise. She in her statement recorded under Section 164 of the Cr.P.C. on 03.03.2020, the informant only alleges that while she had gone to attend the call of nature, the petitioner came there and held her hand and tried to gag her mouth and when she shouted, he fled away.

The case is under POCSO Act, the informant is aged about 15 years as deposed in the Court, no girl of such tender age would level such false allegations maligning herself.

Considering the nature of allegation in its totality, the Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, his prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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