IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 697 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- SHAHKUND District- Bhagalpur

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SHALIGRAM YADAV S/o Chunchun Yadav R/o Village- Kasba Kherhi, P.S.- Shahkund, District- Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : M/s N.K.Agarwal, Sr. Advocate,
Md. Najmul Hodda, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 12-07-2021 Heard learned Senior Counsel appearing for the petitioner and learned A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Shahkund P.S. Case no. 216 of 2020 registered under section 354B and other sections of the Indian Penal Code and sections 4 and 8 of the POCSO Act.

As per allegation in the F.I.R., it is stated by the minor informant that she has been chased and misbehaved with by the petitioner who happens to be her neighbour. In the F.I.R. she has narrated about the occurrence which took place on 1.9.2020 and 8.9.2020.

It is submitted by learned Senior Counsel appearing for the petitioner that from perusal of the allegations as levelled in the F.I.R. together with reading of the definition of sexual assault as explained under the POCSO Act, 2012, no offence under the POCSO

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Act is made out against the petitioner. At best allegation against section 354B of the Indian Penal Code is made out. The independent witnesses have not supported the allegations. It is lastly submitted that the misunderstanding between the parties having been removed, the parties have arrived at settlement and filed a compromise petition to that effect on 26.3.2021. The petitioner is in custody since 11.9.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the materials that has transpired in course of investigation including the direct allegations against this petitioner having been supported by the 14 year old informant in her statement under section 164 Cr.P.C. which has come in paragraph no. 47 of the case diary, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Spd/-

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