

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.952 of 2022**

Arising Out of PS. Case No.-105 Year-2020 Thana- GURARU District- Gaya

SHAILESH KUMAR Son of Mukesh Yadav Resident of Village - Gudaru,
P.O. and P.S. - Guraru, District - Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Lakshmi Kumari Binda Paswan Village-Gudaru, P.O. and P.S.-Guraru,
District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 10-10-2022 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the appellant as well as
the learned Special Public Prosecutor for the State.

The appellant apprehends his arrest in connection
with Guraru P.S. Case No. 105 of 2020 registered for punishable
under Sections 8, 12 of the POCSO Act and Sections 147, 149,
323, 341, 504, 506, 354 of the Indian Penal Code as well as
Sections 3(1) (r) (s) of SC/ST Act.

The informant is a fourteen-year-old girl. She was going
for her tuition. On 06.09.2020 at 06:30 A.M. in the morning, the



appellant along with co-accused Mukesh Yadav, Bihari Kumar, Ranjan Kumar and Ajeet Kumar was consuming *Ganja* in their village. The accused persons, including the appellant inflicted remarks when the girl was passing through the way and they also started teasing her.

As per allegation, the accused persons usually teased her in way to tuition, but she was unable to protest, having no option, she conveyed information to her parents and when her parents complained about the incidence to the family members of the accused persons, the accused persons named in the FIR, including the appellant badly assaulted the family members of the informant and they also abused them by calling their caste name. Her uncle sustained head injuries.

The learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the accused persons, including the appellant were teasing the minor girl and on protest, her family members were badly assaulted at the hands of the accused persons, including the present appellant.

The accused persons, including the appellant misbehaved



and teased a fourteen-year-old girl belonging to Scheduled Castes/Scheduled Tribes when she was going to attend her tuition and when her family members protested, the accused persons badly assaulted them.

In my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are moved by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Mahesh

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