

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27186 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- BHAIKAVSHTHAN District-
Madhubani

=====

KRISHNA MISHRA @ KRISHNA KUMAR MISHRA Son of Rajendra
Mishra Resident of Village - Pattital Police Station - Bhairav Asthan, District
- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
354(B) and 34 of the Indian Penal Code read with Sections 7
and 8 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he is an advocate and his minor daughter aged about
16 years 10 months was inappropriately touched as detailed in
the F.I.R. and ugly comments were passed by the named
accused persons, including the petitioner, it is next alleged that
when the informant protested, all the accused persons attacked



and caused injury on his nose, face and eyes and the accused even threatened the informant to set ablaze his house due to which the informant also sought protection from the police. It is further alleged that the accused persons have criminal mentality and the villagers are disturbed because of their act.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the allegation as alleged in the F.I.R. is general and omnibus in nature and he has been made an accused only because he is brother of one Saroj Mishra who is a known personality of the area as he is a liquor dealer. Learned counsel further submits that the victim is aged about 17 years and in her statement recorded under Section 164 Cr.P.C. she has supported the prosecution case but there are serious contradictions in her statements recorded under Sections 161 and 164 Cr.P.C. It is further submitted that a supplementary affidavit has been filed on behalf of the petitioner wherein it has been specifically stated that the matter has been compromised between the parties as such sending the petitioner to jail would serve no purpose.

Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that it appears that what has been alleged in the F.I.R. is true as the



informant in the F.I.R. had alleged that the accused persons are persons with criminal mentality and the villagers are really afraid of their act, learned A.P.P. further submits that because of their clout in the village they must have used coercion/force on the informant and the victim to compromise the case, it is next submitted that it appears that when the victim supported the prosecution case in her statement under Section 164 of the Cr.P.C. thereafter this pressure tactics was applied. Learned A.P.P. further submits that the allegation as alleged in the F.I.R. of inappropriately touching a minor girl in itself attracts POCSO Act.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

