

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65555 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- DUMRA District- Sitamarhi

Uday Kapar, Son of Ram Naresh Kapar @ Naresh Kapar, Resident of Village
- Hanuman Nagar, P.S.- Dumra, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M. Ashraf, Advocate
		Mr.Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s :		Mrs.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Dumra P.S. Case No. 272 of 2021, registered for the alleged offences under Sections 341, 323, 504, 506, 379, 34 of the Indian Penal Code, Sections 3(1)/(r) (s)/2 (va) of SC/ST Act and Section 8 of POCSO Act

As per the prosecution case, the petitioner has been asking the informant to sell ganja from her shop which was to be supplied by the petitioner. On refusal of the informant, he



used to abuse her by taking her caste name. Further allegation against this petitioner is that he used to make indecent gesture towards 12 years old minor daughter of the informant and further used to touch her inappropriately. Further allegation against this petitioner is that on the date of occurrence, the petitioner tried to induce the minor daughter of the informant to do wrongful act in loneliness and tried to take her there forcibly. The minor daughter of the informant came running crying and told the informant about the act of this petitioner. When the informant went to scold him, she was abused and assaulted by the petitioner and other co-accused persons.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the informant has been pressurizing him for selling his land. The allegation against all the accused persons are general and omnibus. Moreover, the allegation about earlier wrongful act of the petitioner was not reported by the informant, which shows that the petitioner has been falsely implicated in this case. The provisions of SC/ST (POA) Act and POCSO Act have been made to pressurize and grab the property of this petitioner. The petitioner is in custody since 28.07.2021 and the charge sheet has been submitted in this case. The co-accused persons have



been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 2586 of 2022.

Learned APP opposes the prayer for bail submitting that the victim in her statement under Section 164 Cr.P.C. has specifically stated that the petitioner tried to take her away and on a refusal, he put her down in water and grabbed her and also grabbed her breast and when the victim told this fact to her mother, the petitioner also assaulted her. Learned APP further submits that other witnesses in paragraphs 9, 10 and 11 of the case diary have supported the prosecution case. It is apparent from paragraph 59 of the case diary that the date of birth of the victim is 16.09.2009. Learned APP further submits that the case of the petitioner and other co-accused persons, who have been granted anticipatory bail, are not similarly placed. On the last occasion, the Coordinate Bench of this Court vide order dated 06.05.2022 also recorded that it was not inclined to grant any relief to the petitioner.

Perused the records.

Having regard to the specific nature of allegation against the petitioner, which has been supported by the witnesses during investigation and the victim in her statement



under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within one year.

(Arun Kumar Jha, J)

V.K.Pandey/-

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