

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58299 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- BIHRA District- Saharsa

Deepak Kumar Son Of Rajendra Choupal Resident Of Village - Kataiya, P.S.-
Bihra, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects, if any, within three weeks.

The petitioner is apprehending her arrest in a case
registered for the offence punishable under Sections 341, 323,
354(kh), 504, 506/34 of the Indian Penal Code and Section 12
of the POCSO Act.

As per FIR, petitioner has made viral the obscene
photographs of informant's niece from his mobile phone.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case due to village politics. He submits that victim girl is above
18 years as revealed from the admission register, therefore, there
is no question of applicability of POCSO Act in the present



case. He submits that occurrence took place on 20.04.2022 but FIR was lodged on 26.04.2020 after delay of 6 days and there is no explanation of such delay. He submits that the police has not find out by which mobile the photo has been viraled. He submits that the petitioner has one criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes the prayer for bail and submits that the bail application of similarly situated co-accused has already been dismissed by this Court.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Bihra P.S. Case No. 81 of 2022.

(Anjani Kumar Sharan, J)

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