

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2990 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- SARAIYA District- Muzaffarpur

JAGDEO KUMAR S/o Maheshwar Mahto R/o Village Hariharpur, P.S.-
Saraiya (O.P.- Jaitpur), Distt- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savitri Devi W/o Late Kishuni Ram R/o Village Hariharpur, P.S.- Saraiya
(O.P.- Jaitpur), Distt- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 354(b), 506 and 504 of the Indian Penal Code, Section 3/4 of POCSO Act and Section 3(i), (r) of SC/ST Act pending in the learned court below.

As per the prosecution case, the petitioner is said to have forcibly sexually harassed the minor daughter of the informant. When the informant made query from accused about the incident he gave four fists blows to her and the parent of accused also abused her threats to kill her daughter.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner is a labour and he used to live out of State for his livelihood. He submits that there is some altercation took place between the family member then for such incident the present case has lodged after applying legal mind, to trap the petitioner in the present case. He further submits that no case is made out under SC/St act as the whole occurrence took place not in the public view. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submits that the victim is a minor. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Saraiya P.S. Case No. 342/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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