

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47996 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- ANDHRAMATH District- Madhubani

Shravan Kumar Giri @ Sharvan Kumar Giri Son Of Bhulla Giri @ Daya Ram
Giri R/O Village- Baruar, P.S.- Andharamathi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niroj Kumar Jha, son of Parmeshwar Jha, R/o Village-Baruar, Ward No.-3,
P.S.-Andhramath, District-Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 22-02-2023 Heard learned counsel for the petitioner, learned
counsel for the Informant and the learned APP for the State.

Petitioner seeks regular bail in connection with
Andhramath P.S. Case No.4 of 2022 registered for the offences
punishable under Sections 341, 323, 354, 354(A), 354(B),
354(D) and 34 of the Indian Penal Code and Sections 8 and 12
of the POCSO Act, 2012.

As per the prosecution, the informant's minor
daughter was dragged inside the house of this petitioner by
himself and his accomplices and thereafter this petitioner
molested the victim and tried to undress her.

The main submissions advanced by the learned



counsel Mr. Gagan Deo Yadav for the petitioner are that the petitioner is a young person and has been languishing in jail since 24.05.2022 and as per the FIR the alleged occurrence took place on 19.12.2021 but the FIR was lodged on 15.01.2022 after delay of 26 days from the alleged occurrence and the said delay in itself creates a serious doubt in the credibility of the prosecution's story mentioned in the FIR and the so-called victim has recorded her statement before the Judicial Magistrate in which she made contradictory statements and the petitioner has no criminal antecedent.

Learned counsel appearing for the Informant has opposed the bail prayer and submitted that on account of social stigma the FIR was not lodged just after the commission of the alleged occurrence and there is a serious allegation against the petitioner in the FIR and one co-accused namely Randhir Kumar Thakur carrying similar nature of allegation has not been granted bail by co-ordinate Bench of this Court vide order passed in Cr. Misc. No.35400 of 2022 preferred by him and the petitioner and co-accused persons not only harassed the victim but also made a video of that incident and later on made the incident viral on social media and on account of that incident the father of the victim died later.



Having considered the seriousness of the allegations appearing against the petitioner from the FIR and he not only disrobed the victim by forcefully taking her into his house but also made a video of that incident and thereafter made the same viral on social media and the said allegations have been supported by the victim before the Judicial Magistrate in her statement recorded under Section 164 Cr.P.C and the victim is stated to be a minor girl, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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