

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52521 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MAHILA PS District- Darbhanga

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Ramjeet Sahni S/O Harendra Sahni Resident of village- Lakhnipur, P.S.-
Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 11-05-2023 Heard Mr. Dilip Kumar Roy, learned counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mahila P.S. Case No. 80 of 2021 dated 22.07.2021 registered for the offence punishable under Sections 8, 12, 17 of the Prevention of Child from Sexual Offence (POCSO) Act, 2012 and learned Court below has taken cognizance on 31.01.2022 under Sections 354, 354(A) of the Indian Penal Code and under Section 10 of the Prevention of Child from Sexual Offence (POCSO) Act, 2012.

3. Learned counsel appearing on behalf of the petitioner submitted that learned Judicial Magistrate has not adhered to while recording the statement of the girl Child under



Section 25 of the Act nor the girl child was produced before the medical board. The informant had transmitted the recorded C.D of the two children. Subsequent to recording of the statement of girl child Mrs. X, statement of male child, aged about 9 years was also recorded and his statement is also required to be brought on record. Learned counsel has made technical argument that rigors of provision of Section 10 will not be applicable in the present case.

4. Considering the object of the Act as well as the illegal manner in which the concerned Judicial Magistrate has recorded the statement of the victim children, aged about 5 years and 9 years, only reflects that the petitioner has subjected the children to sexual assault, I am not inclined to enlarge the petitioner on pre-arrest bail.

5. Considering the object of the Act, learned Judicial Magistrate, who had recorded the statement of the victim children is warned and is required to follow the provision of Juvenile Justice Act, 2015 as well as the Protection of Children from Sexual Offence Act, 2012 as amended up-to-date.

6. Let a copy of this order be communicated to the learned District and Sessions Judge, Darbhanga, to record the conduct of the concerned Judicial Magistrate, who had not abide



by the procedure as prescribed under the Juvenile Justice Act, 2015 for recording statement of girl child as well as minor boy.

7. Accordingly, the present bail application is dismissed.

(Purnendu Singh, J)

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