

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61780 of 2023**

Arising Out of PS. Case No.-66 Year-2023 Thana- KHUTAUNA District- Madhubani

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RAJA KUMAR ROY S/O LALIT ROY R/O VILLAGE- BALANPATTI, P.S-  
KHUTAUNA, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Kuber Pathak, Advocate   |
|                          | : | Mr. Ramesh Kumar, Advocate   |
| For the Opposite Party/s | : | Mr. Amitesh Kumar, Advocate  |
| For the informant        | : | Mr. Sanjay Kr. Jha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

- 2      11-10-2023      1.                      Heard learned Counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant.
2.                      This application, for grant of anticipatory bail, arises out of Khutauna Police Station Case No. 66 of 2023, disclosing offences under Section 354(B) of the Indian Penal Code and Sections 8 and 12 of POCSO Act.
3.                      The case of the prosecution as per the allegation levelled in the First Information Report, lodged by the mother of the victim on 01.06.2023, is that on 12.05.2023 in the evening hours, when the minor daughter of the informant, aged about 16 years, had gone to attend nature's call near the canal, petitioner arrived there, held her daughter's hand, torn her clothes and



tried to outrage her modesty. The daughter of the informant narrated the entire story to her mother and accordingly, the F.I.R. lodged.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village rivalry, inasmuch as the petitioner and the informant are neighbours. He further submits that there is delay in lodging F.I.R., inasmuch as the occurrence has allegedly taken place on 12.05.2023, however the F.I.R. has lodged after a delay of about 20 days i.e. on 01.06.2023. Thereafter, on 02.06.2023, the victim girl was taken to the Sadar Hospital, Madhubani, where the victim girl has stated that she was not willing to get herself medically examined and also stated that no incident has taken place with her. He next submits that in her statement made under Section 164 Cr.P.C. before the learned Magistrate, the victim girl has also stated that no any overt act has been done by the petitioner with her. He also submits that petitioner is a student and is pursuing his Engineering course from B.P. Mandal Engineering College, Madhepura for the Sessions 2020-24.

5. Learned Additional Public Prosecutor for the State and the learned counsel for the informant have vehemently



opposed the prayer for bail and submit that there is specific allegation against the petitioner that he torn the clothes of the daughter of the informant and tried to outrage her modesty. The victim girl is minor and in her statement made under Section 164 Cr.P.C., she has stated that her clothes were torn and she was pulled down on the ground by the petitioner.

6. Regard being had to the submissions made on behalf of the parties, taking into consideration the statement of victim girl made under Section 164 Cr.P.C. before learned Magistrate as well as before the Doctor during course of medical examination and the fact that the petitioner is pursuing B.Tech. Course from B.P. Mandal Engineering College, Madhepura, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO Court), Madhubani in connection with Khutauna Police Station Case No. 66 of 2023, subject to



the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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