

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9940 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

MANISH KUMAR SON OF SHIV KUMAR @ SHIV JEE MAHTO @
SHIVA JEE MAHTO R/O-KHABA CHANDRA TOLA, P.S.-MEDNI
CHOWKI, DISTT.-LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav Udbhav, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Medni Chowki P.S. Case No. 112 of 2023 registered under Sections 376 (A-B) of the Indian Penal Code and Section 4 of the POCSO Act lodged on 19.07.2023 . by the informant, Sulekhi Devi.

3. As per the prosecution story, the informant has alleged that on the date of occurrence, she was not present in her house. Later, this petitioner came and call her on the roof of the house of one Arvind Master in which no one was present there and later allegation of rape is there. The girl became unconscious and the labour working in the building of Arvind



Master saw the same, informed Arvind Master who gave information to the informant followed by the First Information Report.

4. Learned counsel for the petitioner submits that the girl has not alleged anything under Section 161 and 164 of the Cr.P.C. and as such, it is a concocted story.

5. Learned APP on the other hand, submits that a bare perusal of the FIR would show that the girl is only 12 years of age, there is an eye witness who informed the Arvind Master who turned up and on his information to the informant, the entire prosecution story came into existence.

6. Considering the aforesaid facts and direct allegation of raping a minor who is 12 years of age, this Court is not inclined to extend him privilege of bail which is accordingly, rejected.

7. Having rejected the case, the glaring facts that have emerged that the police official, who has registered the FIR, it seems has never gone through the POCSO Act *inasmuch* as the name of the 12 years victim girl is present in the FIR as also that of her mother and father beside the occurrence. Later, the police has tried to change the name of the informant by interpolating the name but beside the thumb impression, the original name is



still there as also that of the victim girl.

8. On 13.11.2022, a workshop on POCSO Act was attended by the Judicial Officers as also the Police Officials in the Bihar Judicial Academy in which the Director, Bihar Police Academy, Rajgir was also present. Even after the said workshop, it seems that the message has not gone down to the police stations/its officials who need immediate training on how to lodge FIR and act further in such cases.

9. In the aforesaid background, let a copy of the order be communicated to the Director, Bihar Police Academy, Rajgir so that he can go through the **Medni Chowki P.S. Case No. 112 of 2023** lodged on **19.07.2023** under Section 376 (A-B) of the Indian Penal Code and **Section 4 of the POCSO Act** and do the needful to sensitize the police officials concerned.

10. Additionally, this FIR can be treated as a Test case by the Academy to sensitize the police officials who regularly go through the training in the Bihar Police Academy.

(Rajiv Roy, J)

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