

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50081 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- MAHILA PS District- Jamui

Sunil Chowdhari SON OF Ramswaroop Chowdhari Village -Jeet Jhingoi
Sarsa Tola PS- Khaira Dist -Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. SULOCHNA DEVI WIFE OF RAJ KUMAR CHOWDHARI Village -Jeet Jhingoi Sarsa Tola PS- Khaira Dist -Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mala Sinha
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-08-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Learned counsel for the petitioner is permitted to add Section 8/10 of the Protection of Children from Sexual Offences Act in the bail application as mentioned in First Information Report.
3. This application, for grant of anticipatory bail, arises out of Jamui Mahila Police Station Case No. 99 of 2023, dated 30.12.2023, disclosing offences under Sections 341/354 of the Indian Penal Code and Section 8/10 of the Protection of Children from Sexual Offences Act.
4. The prosecution case, as per the First Information Report,



is that on 28.12.2023, at about 09:00 PM, while the informant's daughter, namely, Kiran Kumari, aged about 14 years and Priyanka Kumari, aged about 16 years, went to attend nature's call, the petitioner caught informant's younger daughter, tied her mouth by gamcha and took her in mustard field. Upon alarm being raised by elder daughter of the informant and informant's mother-in-law, the petitioner fled away.

5. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in the present case due to previous enmity. He next submits that both the parties are agnates and the victim has refused for medical examination. He next submits that as per the First Information Report the age of the victim is 14 years, whereas, in statement record under Section 164 of the Code of Criminal Procedure, the victim has stated her age as 16 years.
6. On the other hand, learned Additional vehemently opposes the prayer for bail and submits that the petitioner has molested the minor daughter of the informant and the victim, in her



statement, recorded under Section 164 of the Code of Criminal Procedure, has supported the prosecution case.

7. Regards being had to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, I am not inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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