

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68796 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- PHULPARAS District- Madhubani

Mahadeo Ray @ Mahadev Ray Son of Domi Ray R/o - Village-Godam Tola,
P.S - Rudrapur, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jageshwari Devi Wife of Mithu Sadai R/O- Village- Saini, P.S.- Phulparas,
Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Phulparas P.S. Case No. 197 of 2023 registered under Sections 341, 323, 325, 354-B, 504, 506, 34 of the Indian Penal Code, Sections 3(1)(r)(w)(1), 3(2)(va) of SC/ST (POA) Act and Section 12 of the POCSO Act.

3. As per prosecution case, on 05.04.2023 at about one o' clock, when informant, her daughter and daughter-in-law were coming to home after cutting wheat from Baghar. In the meantime, all the FIR named accused persons including this petitioner obstructed their way and caught informant's daughter



indecently and tried to outrage her modesty. It is also alleged that the accused persons abused informant by caste name and assaulted informant and her daughter-in-law with *lathi*.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case due. As a matter of fact, the family members of informant were cutting mango tree from the orchard of petitioner and when petitioner objected, a scuffle took place and taking advantage of the situation, this false and concocted case has been lodged. Case and counter case. Injury allegedly caused by this petitioner is simple in nature. During course of investigation, it has come that the victim is major and as such, no offence under POCSO Act is made out. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Having considered the aforesaid facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees 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 Phulparas P.S.
Case No. 197 of 2023, subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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