

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74921 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BAIRIYA District- West Champaran

Sanjay Chaudhary S/o Lakharaj Chaudhary R/o Ward no 9, Bagahi Nimiya
Tola, PO- Bagahi, PS- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Makhan Chaudhari S/o Shivnath Chaudhari R/o Bagahi Nimiya Tola, P.S. -
Bairiya, Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Anand Amritesh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-11-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Bairiya P.S. Case no.165 of 2024 registered for the offence punishable under sections 354, 354(ka), 354(kh) of the Indian Penal Code and sections 6 and 8 of the POCSO Act.

3. As per the prosecution case, the informant states that when his 13 year old daughter went to get the mobile phone, on the pretext of giving money, the petitioner took her inside the room and molested her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of



dirty village politics. Inspite of the occurrence allegedly having taken place on 13.5.2024 and the police station being at a distance of only 3 kilometers, information was given at the police station after one day with no explanation for the delay. No independent witness has been named. No case under the POCSO Act or any other Code is made out against the petitioner. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner of having misbehaved/molested the 13 year old daughter of the informant and the said allegations having been supported by the victim child in her statement under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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