

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90299 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- KOTWA District- East Champaran

Nandu Kumar S/o Chandrika Rai R/o Village- Koirgawan, P.S.- Kotwa,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari D/o Achchelal Rai R/o Village- Koirgawan, P.S.- Kotwa,
District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kotwa P.S. Case No. 404 of 2023, dated 17.11.2023, instituted
under Sections 341, 323, 324, and 379 of the Indian Penal Code,
as well as Sections 8 and 12 of the Protection of Children from
Sexual Offences (POCSO) Act.

3. The prosecution case, in short, is that on 17.11.2023
at about 12:45 PM, while the informant was cutting grass in the
fields, the petitioner suddenly pressed her mouth, pushed her
down, and attempted to sexually assault her. When she raised an
alarm, petitioner allegedly snatched her gold nose pin and fled



away. Later, when she informed her family and they confronted the matter, it is alleged that petitioner, along with his relatives, came to her house, abused, and assaulted her and her family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is a next-door neighbour of the informant, and the FIR has been lodged after a delay of four days from the date of the alleged occurrence, with no plausible explanation given for such delay. It is further submitted that the incident arose out of a petty matter, specifically a dispute over a pathway, and that the case has been falsely lodged against the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned counsel for the State has vehemently opposed the prayer for anticipatory bail by submitting that there are specific allegations against the petitioner to outrage the modesty of a minor girl. It is also submitted that the victim's statement recorded under Section 164 of the Cr.P.C. fully supports the prosecution's version, wherein she has specifically stated that the petitioner attempted to commit wrong act.

6. Considering the facts and circumstances of the



case, the specific and serious nature of the allegations levelled against the petitioner, particularly attempting to outrage the modesty of a minor, and the gravity of the offence, this Court does not find it to be a fit case for anticipatory bail.

7. Accordingly, the prayer for anticipatory bail stands rejected.

(Khatim Reza, J)

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