

In the Court of Addl. Sessions Judge-VI-cum-Spl. Judge POCSO, Act, Patna.

At Present:- Awadhesh Kumar,
Addl. Sessions Judge-VI-cum-
Spl. Judge POCSO, Act, Patna.

Ref:- **Spl. (POCSO) Case No. 26 of 2021**, arising out of **Kankarbagh** P.S. Case No. **989** of **2020**, registered under Section **354, 506** of IPC. Later on Charge-sheet has been submitted under Section **354, 506** of IPC and Section **8, 12** of POCSO Act.

Name of Petitioner:- Karu Kumar @ Kallu Ram, aged about 20 years, S/o Manoj Ram, R/o- at present Ashok Nagar Road No. 12, in the house of Ajay Bhushan, P.S. Kankarbagh, District- Patna.

Appearance:-

Counsel for the petitioner: Mr. Dipak Kumar, Ld. Advocate.

Counsel for the State: Mr. Suresh Chandra Prasad, Ld. Spl. P.P.

Order on : 23.07.2021.

Order

1. This bail petition has been filed on behalf of the accused, namely, Karu Kumar @ Kallu Ram, aged about 20 years, S/o Manoj Ram, R/o- at present Ashok Nagar Road No. 12, in the house of Ajay Bhushan, P.S. Kankarbagh, District- Patna, who is under custody since **18.12.2020**, in connection with **Spl. (POCSO) Case No. 26 of 2021**, arising out of **Kankarbagh** P.S. Case No. **989**

of 2020, registered under Section 354, 506 of IPC. Later on Charge-sheet has been submitted under Section 354, 506 of IPC and Section 8, 12 of POCSO Act.

2. Heard the learned counsel for the petitioner and learned Spl. P.P. for the State through video conferencing.

3. The prosecution case, in short, is that, the informant, who is the father of the victim girl (aged about 15 years) has alleged that on 16.12.2020, when his daughter was returning from coaching classes, accused teased and misbehaved her. Victim came at house and told the incident to her parents.

When informant wanted to narrate the matter, accused started giving threatening to kill on point of sword. Later on, informant went at the police station and given written report regarding the occurrence.

4. The learned counsel appearing on behalf of the accused has submitted that petitioner has committed no offence, he has been falsely implicated in this case. So, it has been prayed that accused may kindly be enlarged on bail.

5. On the other hand, learned counsel appearing on behalf of the State has vehemently opposed the prayer for bail of accused.

6. From perusal of the case diary and statement of victim made under Section 164 of Cr.P.C, victim has clearly stated that accused tried to disrobe by pulling her clothes. On spot victim started crying, public assembled and assaulted the accused.

Not only this, when father of the victim wanted to pacify the matter, accused on the point of sword, started threatening for dire consequences.

In the bail application, it has been admitted on behalf of accused that one more case is also registered against the accused bearing Kankarbagh P.S. Case No. 361 of 2020.

7. Considering the facts and circumstances of this case, nature of the offence and criminal antecedent of the accused, I am not in the opinion to release the accused-petitioner on bail.

8. Hence, the prayer for bail to the petitioner, namely, **Karu Kumar @ Kallu Ram**, in connection with **Spl. (POCSO) Case No. 26 of 2021**, arising out of **Kankarbagh P.S. Case No. 989 of 2020**, Charge-sheet filed under Section **354, 506** of IPC and Section **8, 12** of POCSO, Act, is hereby **rejected**.

(Dictated)

Sd/-

(Awadhesh Kumar)
Addl. Sessions Judge-VI
-cum- Spl. Judge POCSO, Act,
Patna.

Dated: 23.07.2021