

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11438 of 2015

Arising Out of PS.Case No. -59 Year- 2014 Thana -MAHILA P.S District- SUPAUL

Mukesh Sharma S/o Ramu Sharma resident of village- Parsauni Bakaur,
P.S. + District- Supaul

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

2 08-05-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 323, 376, 506, 366 (A) of the IPC and Section 4 of Protection of Children from Sexual Offences Act.

The prosecution story, in brief, is that while the prosecutrix had gone to ease herself, she was kidnapped by the petitioner and three unknown persons at the point of pistol by putting cloth in her mouth and later on, she was taken to one of the relatives of the petitioner where the petitioner had raped her. In the morning, while she was taken on the train, she raised alarm thereafter, co-villagers came to her rescue and took her back to the village. Later on, a panchayati was held, but finding no solution

the case was lodged.

It is submitted that the petitioner has been falsely implicated in this case. The doctor has not found any sign of rape and the case has been lodged at a belated stage.

Learned counsel for the State submits that there is specific allegation of overtact against the petitioner to have kidnapped and committed rape upon the prosecutrix, who was a student of Class-VIII. Medical examination has been held after several days of the rape, therefore the doctor has not found any sign of rape. After investigation the police has submitted charge-sheet.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail at this stage. His prayer for bail is rejected.

(Amaresh Kumar Lal, J)

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