

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9544 of 2016

Arising Out of PS.Case No. -84 Year- 2014 Thana -MAHARAJGANJ District- SIWAN

1. Sandeep Sharma S/o Munna Sharma resident of village - Tewtha, P.S.
Maharajganj, District - Siwan Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Dr .Ajeet Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 27-06-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Maharajganj
P.S. Case No. 84 of 2014 registered for the offence punishable
under Sections 366(A)/34 of the Indian Penal Code in which
Section 376 IPC and Section 6 of POCSO Act were added later
on.

Allegedly, Sunita Kumari aged 14 years, the daughter of
the informant, was kidnapped by the petitioner and other co-
accused and during investigation her statement has been recorded
under Section 164 Cr.P.C. wherein she has supported the
allegation of kidnapping and further she has stated that the
petitioner committed rape with her.

Submission is of false implication and that the prosecution

story appears not probable and reliable, the victim girl under pressure of her family members has given her statement under Section 164 Cr.P.C., due to enmity the petitioner has been implicated, the doctor who has examined the victim has found no sign of rape and her age has been found 15-16 years, she has not disclosed the place where she was kept, other co-accused have been allowed bail and, as such, the petitioner who is suffering in custody since 15.06.2015 deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that the victim in her statement recorded under Section 164 Cr.P.C. has supported the allegation of kidnapping as well as of rape against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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