

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26055 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -DORIGANJ District- SARAN

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Sudhir Sharma, Son of Prabhu Sharma, Resident of village-Musepur, P.S.-
Doriganj, District- Saran, Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-08-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Section 376 of the Indian Penal Code and 3 /4 of the POCSO Act.

Allegation against the petitioner is of committing rape
upon the victim and also recording video of the same.

It has been submitted on behalf of the petitioner that he is
in custody since 3.4.2016. Chargesheet has been submitted
against the petitioner. Petitioner has got no criminal antecedent.
No allegation of tampering of witnesses is alleged against the
petitioner. Petitioner has falsely been implicated in the present
case. There is admitted enmity between the parties. The alleged
occurrence had taken place on 3.3.2016 and F.I.R. has been
instituted on 3.4.2016. Delay has not been explained by the
prosecution. There is no such video produced by the prosecution
as alleged in the F.I.R.

On behalf of the State, it is submitted that there is direct
allegation against the petitioner of commission of rape. He has
accepted his guilt in his confession before the police which is
evident from para-18 of the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected at this stage.

(Sudhir Singh, J)

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