

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50106 of 2016**

Arising Out of PS.Case No. -90 Year- 2016 Thana -NAUHATTA District- SAHARSA

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Pankaj Sada @ Dhokla Son of Late Sita Ram Sada Resident of Mohalla -  
Nauhatta, Tola - Angrejipar, P.S. - Nauhatta, District - Saharsa.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      16-12-2016                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
31.05.2016 in connection with POCSO Case No. 21 of 2016,  
Nauhatta P.S. Case No. 90 of 2016 pending in the Court of learned  
1<sup>st</sup> Additional Sessions Judge-cum- Special Judge, Saharsa  
registered for the offence punishable under Section 376 of the  
Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case is that petitioner took  
away informant's daughter in a lonely place and pushed his finger  
into her vagina, as a result of which blood was oozing from her  
vagina.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated due to previous enmity. It is further submitted that he has no criminal history and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and the mother of the victim girl, Chandni Praveen had seen the occurrence, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and submission of the parties, since the allegation against the petitioner is of heinous nature and that blood was oozing out from vagina of the victim girl and the victim girl has recognized the petitioner, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

**(Nilu Agrawal, J.)**

Arjun/-

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