

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43960 of 2016

Arising Out of PS.Case No. -363 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Rupesh Sharma @ Rupesh Kumar, Son of Late Hare Ram Sharma, resident
of Village- Bharra, P.S.- Muffasil District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S. Vikramdeo Singh and Sada Nand
Roy, Advocates.

For the Opposite Party : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Muffasil P.S. Case No. 363 of 2015 for the offences
instituted under Sections 376, 323, 366(A), 372, 493 of the IPC
and 9, 10, 11 of Child Marriage Restrained Act and 8 of POCSO
Act.

The prosecution story, in brief, is that the accused
persons forcefully married the complainant, who is a minor, with
this petitioner. The petitioner used to have physical relation with
her forcibly and used to assault. He also used to invite the stranger
to enjoy with her in close room and said that her parents have sold



her. The accused persons also kept her sister and forcibly used to physical relation.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The numbers of independent witnesses have been examined in paragraph nos. 5, 9 and 10 of the case diary have not supported the allegation made in the FIR.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Mufassil P.S. Case No. 363/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act, Begusarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

