

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24693 of 2016**

Arising Out of PS.Case No. -49 Year- 2016 Thana -ALAMGANJ District- PATNA

Rajesh Sharma Son of Late Ram Das Mistri resident of Danka Imli,  
Gulzarbagh, Naya Gay Ghat, Police Station- Alamganj, District- Patna

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Mouar, Adv.  
For the Informant : Mr. Upendra Kumar Choubey, Adv.  
Mr. Shyama Kant Singh, Adv.  
For the Opposite Party/s : Mr. Dilip Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

3      21-07-2016                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody since 14.02.2016 in connection with Special (POCSO) Case No. 20 of 2016 arising out of Alamganj P.S. Case No. 49 of 2016 for the offences alleged under Section 12 of POCSO Act and Section 354 (A) of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and the F.I.R. was initially instituted on 12.02.2016 for the offence under Section 354(A) of the Indian Penal Code which is bailable. Two days thereafter, Section 12 of the POCSO Act was added before the F.I.R. was sent, and there is no explanation for such delay. The offence under POCSO Act has subsequently been

added merely to add gravity to the nature of the offence alleged. The overwriting on the date appearing below the signature of the informant in the fardbeyan also creates considerable doubt about its veracity. It is submitted that the motive for implicating the petitioner is that the so-called victim's father had earlier taken loan of Rs. 2,00,000/- from the petitioner and was trying to avoid the repayment by filing the present false case.

4. Learned APP assisted by learned counsel for the informant appeared suo motu and have been heard.

5. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Ist Additional Sessions Judge, Patna, in connection with Special (POCSO) Case No. 20 of 2016 arising out of Alamganj P.S. Case No. 49 of 2016, subject to the conditions that one of the bailors will be a close relative of the petitioner; and the petitioner shall remain physically present on each and every date during trial and in the event of failure to do so on three consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

**(Vikash Jain, J)**

Md. Ibrarul/-

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