

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57921 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Sharma Sahani Son of Chhotelal Sahani Resident of Village- South
Telhuwan Daroga singh ke tola, Police Station -Nautan, District West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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

3 17-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Nautan P.S.
Case No. 118 of 2015 registered for the offences punishable under
Sections 363, 365, 201 of the Indian Penal Code and Sections 4 /
6 of POCSO Act.

Allegedly, the petitioner after entering into the house of
informant committed rape with Anita Kumari aged 10 years, the
daughter of the informant, on 01.05.2015 and thereafter, the
informant was restrained by other co-accused in lodging the case,
however, on 03.05.2015 the informant lodged this case.

Submission is of false implication and that due to

election rivalry the petitioner has been implicated by the informant as she is acting under the dictation of Ramchandra Sahani the Mukhiya, earlier also the informant has lodged Nautan P.S. Case No. 305 of 2015 against Sudhir Sahani with similar allegation of rape with that Anita Kumari, the informant is habitual in lodging false case under Section 376 of the Indian Penal Code and she is being used by Ramchandra Sahani to teach lesson to his opponents, the doctor has not found any sign of recent sexual assault and further no injury was found on her external or internal part of her body as such the petitioner deserves sympathetic consideration to which learned APP opposes by submitting that the victim has supported the allegation even in her statement recorded under Section 164 Cr. P.C., the earlier case lodged is against another person not against the petitioner.

In the facts and circumstances stated above, considering the allegation attributed 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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