

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1568 of 2017

Arising Out of PS.Case No. -98 Year- 2016 Thana -JANTA BAZAR District- SARAN

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1. Mata Bhagat, son of Sri Radheshyam Bhagat, Resident of Village Rajapur, P.S. - Bhagwanpur, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 16-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Janta Bazar P.S Case No. 98 of 2016 registered for the offence punishable under Section 376 of the Indian Penal Code and under Section 4 of POCSO Act.

Allegedly, the petitioner committed rape with the informant aged about 14 years.

Submission is of false implication and that he has falsely been implicated in this case due to rivalry of orchestra business, earlier the petitioner was in the Orchestra of Rajesh, who is brother-in-law of the informant but now the petitioner has started his own orchestra business, resulting, the rivalry and



Rajesh after instigating the informant has lodged this false case only with a view to ruin the business of the petitioner. The doctor has not found any sign of rape and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P seriously opposes the prayer of bail by submitting that the informant in her statement recorded under Section 164 of Cr.P.C. has supported the allegation and the doctor has found age between 16-17 years, so she is minor.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected, in connection with Janta Bazar P.S Case No. 98 of 2016 pending in the Court of learned (Special Judge) A.D.J. 1st Saran at Chapra.

(Jitendra Mohan Sharma, J.)

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