

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22235 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -VAISHALI District- VAISHALI (HAJIPUR)

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1. Abinash Kumar @ Avinash Kumar son of Raj Kishore Bhagat resident of village - Habibpur, P.S. Vaishali, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari Singh

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-07-2017 Heard both sides.

The petitioner seeks bail in Vaishali P.S. case No. 39 of 2017 under Section 376/504 of the Indian Penal Code and under Section 4/6/8 of the POCSO Act.

The father of the victim alleged that petitioner enticed his daughter, aged about 5 years, and sexually assaulted her. His wife informed him about the occurrence and saw blood was oozing out from private part of the victim.

The learned counsel for the petitioner submits that petitioner happens to be agnate of the informant. On account of previous enmity due to land dispute the petitioner has falsely been implicated in the case. The doctor did not find any sign of rape and no spermatozoa was found but from perusal of the case diary,



it appears that witnesses have stated that petitioner sexually assaulted the victim, who is aged about 6 years, and blood was oozing out from the private part of the victim.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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