

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1761 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -GOPALGANJ MAHILA PS District-
GOPALGANJ

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Prakash Sharma, son of Ram Prasad Sharma, resident of Village - Sarfara
Tola, Bankat, Police Station- Barauli, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 22.11.2017 in
connection with Gopalganj Mahila P.S. Case No. 52 of 2017 for the
offences alleged under Sections 493, 376, 313/34 of the Indian
Penal Code and Sections 4/6/8 of the POCSO Act, 2012.

3. It is submitted that the petitioner has been falsely
implicated and in fact it is a case of love affair between the
petitioner and the informant as evident from the averments in the
F.I.R. itself to that effect and that he had also applied '*Sindur*' to her
at the village temple. It is further submitted that the thrust of
accusations in the F.I.R. are against co-accused Ranjeet Sharma.
The accusations are also not corroborated by the medical report



which discloses the informant's age to be between 18 and 19 years and hence the offences alleged under POCSO Act are not attracted. It is submitted that the medical report also shows that there was no injury, tear or laceration over the private part or no potting and no spermatozoa was found present.

4. Be that as it may, 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 1st Additional Sessions Judge, Gopalganj, in connection with Gopalganj Mahila P.S. Case No. 52 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available



as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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