

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23019 of 2018

Arising Out of PS. Case No.-135 Year-2016 Thana- MAHILA P.S. District- Muzaffarpur

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Ajay Sharma, Son of Ramji Sharma, Resident of Village- Chakmadhua, P.O.-
Basantpur Patti, Vaya- Bakhara, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 17-07-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Mahila P.S. Case No.135 of 2016 registered under Sections
376 and 354B of the Indian Penal Code as well as under
Sections 4 and 18 of the POCSO Act.

Allegation in brief is that while the prosecutrix was
returning from the coaching centre, the petitioner made an
attempt of rape but on alarm raised by the prosecutrix, other
family members turned up. It is further alleged that earlier also,
eight months back, petitioner had committed rape with her.

Learned counsel for the petitioners submits that the
petitioner and the prosecutrix are cousin, in the present case
there is no allegation of committing rape rather allegation is that



eight months prior to the occurrence, the petitioner committed rape but no case was lodged by the prosecutrix. It is a case of false implication due to some property dispute and charge sheet has been submitted.

Having considered the aforesaid facts and circumstances, petitioner Ajay Sharma is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 1st-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Mahila P.S. Case No.135 of 2016 with condition that the petitioner shall remain physically present on each and every date before the trial court and if he absents himself on two consecutive dates without any reasonable cause, his bail bond shall liable to be cancelled.

(Arun Kumar, J)

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