

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35897 of 2019**

Arising Out of PS. Case No.-88 Year-2019 Thana- UCHKAGAON District- Gopalganj

LAL MOHAMMAD SHEIKH @ LAL MAHMAD SHEIKH @ LAL MUHAMMAD SHEIKH @ LAL MOHAMMAD @ LAL MUHAMMAD  
S/o Ismuddin Sheikh R/o village- Shivrajpur, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Lokesh Kumar Singh  
For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      22-07-2019                      Heard the learned counsel for the petitioner, informant and  
the learned A.P.P. for the State.

The petitioner seeks bail in Uchakagaon P.S. Case No.  
88/2019, instituted for offence under Section(s) 376/511 of the Indian  
Penal Code read with Section 4/8 of POCSO Act.

Learned counsel for the petitioner has submitted that  
victim has been examined on the same day of the occurrence. Doctor  
has found no injury over the body of victim. No injury or foreign hair  
present over the private part or inside vagina. No tear or laceration  
over the private part. Medical report is annexed as Annexure-2.

It is alleged in the written report that on 02.04.2019 at  
10.00 A.M. informant was washing clothes at her house and her  
daughter Ankita Kumari, aged about 3 years, was playing at stair.  
After washing the clothes, informant went to roof to dry the clothes  
but she did not find her daughter. Thereafter, she began searching her



daughter and when she reached near the poultry farm of petitioner, she saw her daughter was coming out from poultry farm weeping. Informant brought her daughter to home and found her pant dirty and wet. On interrogation, daughter of informant disclosed that petitioner has opened her pant. Thereafter informant alleged that attempt of rape has been committed with her daughter.

Learned counsel for the petitioner has submitted that petitioner is aged about 60 years. He has been falsely implicated in this case due to land dispute. The medical evidence of victim does not support the allegation against the peittioner.

Petitioner is in custody since 02.04.2019.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the learned 1<sup>st</sup> Addl. Sessions Judge, Gopalganj, in connection with Uchakagaon P.S. Case No. 88/2019, subject to the conditions that both the bailors shall be the close relative of the petitioner.

**(Sanjay Priya, J)**

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