

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45438 of 2019

Arising Out of PS Case No.-13 Year-2019 Thana- BATH District- Bhagalpur

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Dilip Sah, aged about 42 years, Male Son of Late Mahesh Sah Resident of
Village- Asarganj P.S. - Asarganj, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. P. K. Sinha and Ms. Preety Kunwar, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 11-12-2019

Heard Mr. N. K. Agrawal, learned senior counsel for the
petitioner and Mr. Satyavrat Verma, learned APP for the State.

2. The petitioner seeks bail in Special Case POCSO
No. 22 of 2019 arising out of Bath PS Case No. 13 of 2019 dated
20.03.2019 instituted under Sections 376 of the Indian Penal Code
and 3/4 of The Protection of Children from Sexual Offences Act,
2012.

3. The allegation against the petitioner is that he had
taken away the one and a half year old daughter of the informant
and upon crying, the neighbours had come and caught him, but the
allegation is false as the petitioner was the tenant of the informant
and due to dispute, he has been falsely implicated in this case.



Learned counsel submitted that neither spermatozoa nor any physical injury has been found on the body. It was submitted that the petitioner is in custody since 21.03.2019.

4. Learned APP, from the case diary, submitted that the neighbours had come and caught hold of the petitioner and was also beaten up. It was further submitted that no father would make such allegation, which has also damaged the reputation of his daughter itself and that many neighbours has come to the place of occurrence and had caught hold of the petitioner and he was handed over to the police.

5. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

6. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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