

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53461 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA PS District- Jehanabad

Balawa Saran Sharma @ Balabha Sharan Sharma S/o Late Banwari Sharma
R/o village- Dhangawan, P.S.- Jehanabad Town, District- Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard Mr. Ramakant Sharma, learned senior advocate

for the petitioner and Mr. Syed Ehteshamuddin, learned

advocate for the State.

The petitioner seeks pre-arrest bail in connection with
Jehanabad Mahila P.S.Case No. 05 of 2019 registered under
Section 376 of the Indian Penal Code and Section 4 of the
Protection of Children from Sexual Offences Act.

It is contended by the learned counsel for the
petitioner that there is inordinate and unexplained delay of two
days in institution of the FIR. That apart, there is no evidence of
aggravated sexual assault. He contended that the FIR has been
instituted at the behest of one of the brothers of the petitioner,
who is on inimical terms.

On the other hand, learned counsel appearing for the



State submitted that in the FIR there is specific allegation against the petitioner to have outraged the modesty of a minor girl aged about 10 years. However, the medical report suggests that she is aged about 13-14 years. He has further contended that the alleged victim has corroborated the allegation of outraging modesty and touching her private part by the petitioner.

Regard being had to the nature of allegation, I am not inclined to grant pre-arrest bail to the petitioner. The application is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

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