

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65315 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- SALAKHUA District- Saharsa

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SUBHASH SHARMA @ SUBHASH KUMAR Son of Ram Charitra Sharma @
Ramchrita Tanti @ Chalo Sharam Resident of Village - Lakshminya, Ward
No. 10, P.S.- Salkhua (O.P. Banmaitahri), Distt - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Salkhua O.P. Banama Ithari P.S. Case No. 40 of 2019 for the

offence under Sections 363, 366(A), 372, 379 and 120(B) of

the Indian Penal Code and Section 8, 12 of the POCSO Act.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has not committed any offence. In fact, the

F.I.R. has been lodged after lapse of three weeks from the

date of occurrence. Moreover, the victim is major girl which

is evident from Annexure-4. Therefore, no case under

Sections 8 and 12 of the POCSO Act is made out against the



petitioner. The petitioner is rotting in judicial custody since 22.08.2019.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Sessions Judge 1st -cum- Special Judge, POCSO, Saharsa in connection with Salkhua O.P. Banama Ithari P.S. Case No. 40 of 2019, P.S. Case No. 99 of 2018.

(Arvind Srivastava, J)

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