

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76690 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- BASANHI District- Saharsa

MAHESHWAR MUKHIYA Son of Bechan Mukhiya @ Vechan Mukhiya
Resident of Village - Barhauna, P.S.- Basnahi, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 376 of the Indian Penal Code and
Sections 4 and 6 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
victim has been examined but the doctor has not found any
sign of sexual assault, which is evident from medical report
at annexure-3. The petitioner is rotting in judicial custody
since 02.09.2019.

Learned A.P.P. for the State has opposed the prayer



for bail and submitted that the petitioner has raped the victim who is a minor girl. Moreover, the witness have supported the prosecution versions which is evident from paragraph nos. 9, 11 and 12 of the case diary.

Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Arvind Srivastava, J)

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