

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69116 of 2018

Arising Out of PS. Case No.-273 Year-2018 Thana- HARSIDHI District- East Champaran

Nitish Kumar Das @ Nitish Kumar Son of Amerika Das @ Ambika Das
resident of Village- Rupdin Bara Basantpur, Police Station- Motihari Muffasil
District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Tapeswar Sharma

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 13-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Harsidhi P.S. Case No. 273 of
2018 registered under Section 420, 376, 307 and 326 of the
Indian Penal Code and Section 4/6 of the POCSO Act.

Informant, who is aged about 16 years, is said to have
been subjected to sexual assault by the petitioner for 3-4 months
on the pretext of performing marriage and on insistence to
perform the marriage the petitioner assaulted her and poured
acid inflicting acid burn injury on the various parts of her
person.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The petitioner



has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case. The informant in her statement under Section 164 Cr.P.C. has not alleged committing of sexual assault against her by the petitioner. The informant happens to be major of 19 years. The petitioner has been languishing in custody since 10.07.2018.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that though the victim in her statement under Section 164 Cr.P.C. has not specifically made allegation of committing sexual assault against her but she eloquently stated that on her refusal to talk with the petitioner he extended threatening to her and also poured acid on her.

In the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

(Prakash Chandra Jaiswal, J)

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