

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7399 of 2020

Arising Out of PS. Case No.-121 Year-2019 Thana- FESHAR District- Aurangabad

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Dwarika Sharma @ Dwarika Kumar Sharma, Son of Laldev Sharma,
Resident of Village- Pokharahan, P.S.- Fesar, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 07-07-2020 Since as of now the Courts have not resumed

normal physical hearing, the matter has been listed today

for consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in
connection with Fesar P.S. Case No.121 of 2019 registered
for the offence punishable under Sections 341, 323, 354,
504, 506 of the Indian Penal Code. Subsequently, Section 8



of the POCSO Act has been added.

The prosecution story as narrated by the informant, aged about 14 years, is that the petitioner caught hold of her hand and dragged her in a cattle shed and attempted to commit sexual assault on her, which has been foiled because her cousin brother Deepak Kumar came to her rescue.

Petitioner's Counsel submits that an F.I.R. has been lodged after three days of the occurrence. Even as per the prosecution, Section 8 of the POCSO Act is not attracted as there is no sexual assault. The petitioner has falsely been implicated in this case because the petitioner had earlier given a loan for treatment of the informant's father and when the petitioner demanded the money and/or to execute the sale deed in his favour, the present case has been lodged.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that the informant has supported the statement in her re-statement. Further the cousin brother Deepak Kumar has also supported the case and so is the witness Santosh Kumar in paragraph 7 of the case diary.



Considering the rival submissions, this Court
does not find it to be a fit case for grant of anticipatory bail.
It is, accordingly, rejected.

(Madhuresh Prasad, J)

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