

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12307 of 2020**

Arising Out of PS. Case No.-456 Year-2019 Thana- KAHALGAON District- Bhagalpur

PRABHAKAR KUMAR SHARMA @ PRABHAKAR SHARMA S/o
Dhananjay Sharma @ Dhananjay Tanti R/o village- Baiju Tola (Anandipur),
P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlendu Shekher Thakur

For the Opposite Party/s : Mr.Ajay Kumar

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

2 29-02-2020 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, 511 and 323 of the Indian
Penal Code and Section 8 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, there is
political rivalry between the parties and on account of that
this petitioner has falsely been implicated in this case. No
case as alleged in the F.I.R. has taken place. The petitioner is
rotting in judicial custody since 19.12.2019.

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



for bail and submitted that there is direct allegation of molestation with the victim and the petitioner has tried to commit rape upon the victim. Moreover, the victim and witnesses have supported the prosecution version which is evident from the case diary.

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

(Arvind Srivastava, J)

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