

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17043 of 2020

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA PS District- Gopalganj

SANJAY SHARMA Son of Suresh Sharma Resident of Sadhu Chowk,
Sareya, P.S.- Gopalganj, District- Gopalganj Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-08-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Gopalganj (Mahila) PS case no. 08 of 2019 registered for the offences punishable under Sections 366(A), 368, 372, 120B/34 of Indian Penal Code and 4/6 of POCSO Act.

The case of the prosecution in brief, as per the written report of the informant namely Munni Khatoon, is that on 23.03.2019 at about 8 pm, her daughter aged about 14 years had disappeared suddenly and she is of the firm belief that the petitioner along with the accused person have enticed her daughter on the pretext of marriage, whereafter they had taken her to Patna with the intention of sexually assaulting her and pushing her into



the trade of prostitution. It is further alleged that only after the petitioner had gone to jail in connection with an Excise Act case, after about six months of the alleged occurrence, the daughter of the informant informed her on mobile that she has been sexually assaulted by the petitioner and the co-accused person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is an accused only in one other case. It is further submitted by referring to the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate that admittedly, the petitioner was talking with the victim girl since past three years and they had gone to Patna voluntarily, however subsequently, the petitioner was caught and put in custody on account of an Excise Act case, whereafter the cousin brother of the petitioner namely Ranjan Sharma and his wife used to torture the daughter of the informant and used to coerce her to have sex with other people and when she used to object, they used to stop giving her food and when the petitioner was released from custody, the daughter of the informant had told her about the ill behaviour meted out to her and then, the petitioner had kept the daughter of the informant in a room at one isolated house, whereafter the petitioner had again abused her, however the petitioner had not solemnized marriage with the daughter of the informant. It is thus



submitted that the act of the daughter of the informant is voluntary and there is implicit consent, hence the petitioner has got no complicity in the matter, thus he is liable to be extended the privilege of bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate, clearly shows the complicity of the petitioner in the alleged crime and moreover, the daughter of the informant has clearly stated in her statement that she wants to go to her parents' house, a prime facie case is definitely made out against the petitioner herein for the offences alleged, hence I do not find any reason to grant anticipatory bail to the petitioner herein, hence the present petition stands dismissed being devoid of any merit.

(Mohit Kumar Shah, J)

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