

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22359 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- BARHARA KOTHI District- Purnia

AJAY SHARMA S/o Late Uttam Lal Sharma Resident of Village- Belapemu
Dargah Tola, P.S.- Barhara (Raghubansh Nagar), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 02-11-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barhara (Raghubansh Nagar) P.S. Case No. 265 of 2019, disclosing the offence under Sections 341, 323, 504, 506, 376, 427, 379/34 of the Indian Penal Code and Section 4 of the POCSO Act.

There is allegation in the FIR registered on 22.12.2019 in respect of an occurrence alleged to have taken place on 19.12.2019 that co-accused Tuntun Sharma had raped the informant's daughter. Allegedly, the petitioner had helped the co-accused in commission of the offence. It has further been mentioned in the FIR that the said co-accused Tuntun Sharma was apprehended and the matter was informed to his family



members. It is also mentioned in the FIR that initially the police was reported on 20.12.2019 about eve teasing only but subsequently the victim disclosed the informant about rape, whereafter a written report was submitted to the Officer-in-Charge of the police station on 22.12.2019 leading to registration of the FIR.

Learned counsel appearing on behalf of the petitioner has submitted that lodging of the FIR on 22.12.2019 in respect of the occurrence said to have taken place on 19.12.2019, renders the entire prosecution doubtful. There is allegation in the FIR of intimidation and threat against several persons who have been named in the FIR. According to him, apparently, out of some dispute in the village, the petitioner has been implicated.

Considering the circumstance that the occurrence is of 19.12.2019 and it is admitted case of the petitioner that when the matter was reported on 20.12.2019, there was no allegation of commission of rape, this application is allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the



satisfaction of learned 1st Additional Sessions Judge cum Special Judge, POCSO Act, Purnea, in Barhara (Raghubansh Nagar) P.S. Case No. 265 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

