

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67183 of 2019**

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA P.S. District- Araria

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MITHILESH SHARMA @ MITHILESH KUMAR SHARMA Son of Gopi
Sharma Resident of Village- Bhaiya Ram Bishanpur, Ward No.- 11, P.S.-
Bhargama, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the State : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 341, 323, 504, 376, 447/34 of the Indian Penal Code
and Section-4 of the POCSO Act.

Allegation against the petitioner is of committing rape
upon the informant, Kavita Kumari.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 29-07-2019. Charge sheet has
already been submitted. The petitioner has been falsely
implicated in the present case. The victim was examined by the



Medical Officer. The age of the victim is said to be 19-20 years as per the finding given by the Medical Officer. No sign of fresh sexual assault is found. The Medical Examination report does not corroborate the allegation made in the FIR.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Additional Sessions Judge-Ist-cum-Special Judge, POCSO Act, Araria in connection with Araria Mahila P.S. Case No. 36 of 2019, Spl. (POCSO case No. 21 of 2019).

(Sudhir Singh, J)

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