

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13435 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- BELDOUR District- Khagaria

Munna Sah Son Of Ram Briksha Sah R/O Village-Bobil Fulwariya
Navatoliya Basa, P.S. Beldour District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Dilip Kr. No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with POCSO Special Case No. 28 of 2020 arising out of Beldour P.S. Case No. 270 of 2020, G.R.N. 3042 of 2020 registered for the offence punishable under Sections 376/511 of the Indian Penal Code and 18 of POCSO Act.

Allegation against the petitioner is that petitioner *Munna Sah* committed rape against daughter of the informant. It is alleged that *Munna Sah* assaulted and shut the mouth of informant's daughter and gave temptation to give biscuit and thereafter made to fall and committed rape.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 08.10.2020.

Learned APP for the State vehemently opposed the bail petition and submitted that in her statement under Section 164 of Cr.P.C. the victim girl has stated that she has been sexually harassed by the petitioner *Munna Sah*. He further submitted that from perusal of the impugned order it appears that some witnesses has supported the prosecution case in toto, hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioner in connection with POCSO Special Case No. 28 of 2020 arising out of Beldour P.S. Case No. 270 of 2020, G.R.N. 3042 of 2020 from the court of learned Special Judge POCSO, Khagaria.

Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

GAURAV S./-

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