

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13173 of 2021

Arising Out of PS. Case No.-206 Year-2019 Thana- GOH District- Aurangabad

Raghwendra Sharma, aged about 51 years, (Male) S/o Late Gopi Chandra Sharma, Resident of village- Badfra, Police Station- Ambah, District- Marena (M. P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Abhay Kumar Roy, Sr. Advocate
For the State : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 25-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Goh PS Case No. 206 of 2019 GR Case No. 71 of 2019, instituted for the offence under Sections 363, 366(A) and 34 of the Indian Penal Code and Section 8 of the POCSO Act.



As per allegation in the F.I.R., the informant's granddaughter has been traceless for about three years and it is alleged that one Aklakh Khan has come into contact with the informant and informed that the victim has been subjected to immoral traffic. Thereafter allegation has been levelled that she has been subjected to sexual assault repeatedly for last two years.

The learned senior counsel for the petitioner submits that the allegation are far-fetched. In fact, victim solemnized marriage with the instant petitioner and the petitioner has become a victim of the circumstance. It is further submitted that the offence under the POCSO Act could not be made out against the petitioner and, under such circumstances, he continues to be in custody since 08.12.2019.

The learned APP representing the State has assisted the Court with reference to the case diary and opposed the prayer for bail. It is submitted that Medical Report of the victim was conducted on 10.12.2019. The Medical Board has assessed the age of the victim between 17 to 18 years, on the date, on which, she was examined. As per prosecution case, she was subjected to immoral traffic while she was only 14 years old. In her statement, recorded under Section 164 Cr.P.C. also, she has



given the details of the allegation against the petitioner and other co-accused persons regarding immoral traffic and repeated rape committed on her.

On a consideration of the rival submissions of the parties, having regard to the submissions advanced by the learned A.P.P. which, the Court is inclined to accept. Hence, the prayer for bail made on behalf of petitioner is rejected.

This Court, would direct the Trial Court to proceed with trial expeditiously without granting unnecessary and undue adjournment in the matter.

(Madhuresh Prasad, J)

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