

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18362 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- DALSINGHSARAI District- Samastipur

KUNDAN SHARMA S/O MANTUN SHARMA @ MANTUN THAKUR,
Resident of Gudri Bazar, Ward No. 10, P.S.- Dalsingsarai, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 376 A of the Indian Penal
Code, Section 4/6 of the POCSO Act and Sections 3 (i), (r) 3 (i)
(s), 3 (2) (va) SC/ST Act.

The prosecution case, in brief is that on 09.09.2020 in
the noon the informant and victim were going to her home from
hr shop when, on the way accused Kundan Sharma arrived there
on a bike and asked her for lift. As the victim was known to him
since earlier hence she rod the bike as pillion after which the
accused kept on biking her here and there rather her to going her
home even after objection by the victim Throughout the day the



accused kept on roaming on Vidyapati Road and finally he took her to Central Public School situated behind the pump of one Deepak Babu at Ghat Nawada and showing her pistol and threatening her made forcible physical relation with her throughout the night and on next morning, seeing her worsened physical condition, left her their itself and fled away. Somehow, the victim managed to return back her home and narrated the entire occurrence to her family members.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is contradiction to the statement of victim recorded by the Judicial Magistrate under Section 164 Cr.P.C. The medical board have found her age in between sixteen and half to seventeen and half and there is no any sexual assault against the victim. The petitioner is languishing in jail custody since 12.09.2020. The petitioner has no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposed the prayer for bail petition and submits that the statement of victim recorded under Section 164 Cr.P.C. has supported the prosecution case.

Considering the aforesaid facts and circumstances of



the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Dalsingsarai P.S. Case No. 265/2020 from the Court of learned Additional Sessions Judge-VI cum Special Court (POCSO), Samastipur.

Accordingly, this application is dismissed.

However, the learned court below is directed to expedite trial of the petitioner.

(Anjani Kumar Sharan, J)

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