

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32181 of 2020**

Arising Out of PS. Case No.-57 Year-2020 Thana- BARGAINIA District-
Sitamarhi

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LalBaboo Prasad @ Lal Babu Gupta son of Late Shiv Sah resident of
village- Phulwaria, P.S.- Dhaka, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Murari Narain Chaudhary, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 12-02-2021 Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner hereby
undertakes to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 12.03.2020 in
connection with Bairgania P.S. Case No. 57 of 2020, G.R. No. 951
of 2020 for the offences alleged under Section 376 of the Indian
Penal Code and Sections 8 and 9 of the POCSO Act.

3. It is submitted that the petitioner has been falsely
implicated for the offences against which as a matter of fact there
was dispute with regard to payment of tuition fees as the
petitioner had been tutoring the informant's daughter aged 10



years.

4. Learned APP refers to paragraph-70 of the case diary containing the statement of the victim girl recorded under Section 164 Cr. P.C. in which she has squarely levelled accusation against the petitioner in support of the prosecution case.

5. Having regard to the nature of the accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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