

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35046 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- BEN P.S. District- Nalanda

BIRENDRA SINGH, Son of Late RAMBALAK SINGH, Resident of Village
- Padambigha, P.S.- Ben, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 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 Sections 377, 511, 323, 341, 504, 506 and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The prosecution case in brief is that as per FIR, the informant on 16.02.2020 at about 10.00 pm while the informant was sleeping at his Dalan, the petitioner came in drunken condition, slept besides the informant and when the informant was in sound sleep, he tried to commit unnatural offence after putting off pant. It is further alleged that the informant after raising alarm, dashed the petitioner from the bed due to which he sustained some injuries and he fled away. In the morning,



wife, daughter and son of the petitioner came to the house of his the informant and gave threatening.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The victim is adult person and aged about 18 years. The petitioner is in jail custody since 17.02.2020. The petitioner has no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail petition and submits that the statement of the 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 at present in connection with Ben P.S. Case No. 22/2020 from the Court of learned Additional Sessions Judge-1st cum Special Judge (POCSO), Nalanda at Biharsharif.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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