

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39750 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- SARAI District- Vaishali

VISHWANATH SHAH @ BISHWANATH SAH, Son of Late Hiralal Shah
Resident of Village - Sarsai, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-03-2021 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 354 (B) of the Indian Penal
Code and Sections 8 and 10 of the POCSO Act, 2012.

Allegation against the petitioner along with another
accused person is of trying to commit rape to the victim.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner aged about 78 years
old and he is a patient of Chronic Bronchal Asthama. The
petitioner is languishing in judicial custody since 16.08.2020.
The petitioner has got no criminal antecedent which is
mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail



of the petitioner 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 Sarai P.S. Case No.113/2020 from the Court of learned 1st Additional District and Sessions Judge cum Special Judge, Vaishali at Hajipur.

Accordingly, this application is dismissed.

However, petitioner is at liberty to renew his prayer for bail after framing of the charge.

(Anjani Kumar Sharan, J)

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