

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40801 of 2020

Arising Out of PS. Case No.-260 Year-2020 Thana- KORHA District- Katihar

Santosh Kumar Sah S/o Ram Chandra Sah R/o village- Dhimnagar Kheriya,
P.S.- Kodha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Kodha P.S. Case No. 260 of 2020, registered for the offence under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, on 08.06.2020 at about 6:00 PM, while the minor daughter, aged about 5 years, of informant was playing at *Darwaja*, this petitioner took her to nearby bush and sexually assaulted her.

It is submitted on behalf of petitioner that prosecutrix and petitioner are own agnates and the informant happens to be cousin sister of petitioner's father and informant was pressurising petitioner's father to sell the land situated in Kheria Bazar in her favour and only with a view to put pressure on the



father of the petitioner, this false case has been lodged against this petitioner. It is further submitted that doctor has also not found injury either on internal or external part of victim's body and hymen was intact. Petitioner is in custody since 10.06.2020.

However, learned A.P.P. for the State vehemently opposed the bail application and submitted that there is specific allegation against this petitioner of committing sexual assault against a minor girl aged about 5 years and this fact has also been supported by the victim in her statement recorded under Section 164 Cr.P.C. and in medical examination also, the doctor has assessed the age of victim about 5 years and opined that she was subjected to sexual intercourse.

Considering the nature and gravity of the offence against this petition, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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