

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17361 of 2022

Arising Out of PS. Case No.-233 Year-2019 Thana- RAGHOPUR District- Supaul

Dilip Sharma S/o Buddan Sharma R/o village- Gamharia, Ward No. 01, P.S.-
Raghopur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 376 of the Indian Penal Code and Section 04/06 of the POCSO Act.

As per prosecution case, in brief is that the informant namely Nilam Kumari aged about 14 years of old has stated in her written report that one her villager namely Dilip Sharma, who happens to be her so called brother of the village, made physical relation with her in the name of marriage. When she became eight months pregnant the accused petitioner tried to cause miscarriage of her fetus. Initially, he became ready to



marry with her but subsequently refused.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the informant filed the instant false and concocted case to harass the petitioner and his family members and the petitioner is in custody since 13.02.2020.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record as well as case diary and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has supported the case as alleged in the F.I.R. and the medical report suggests that she was found pregnant and a live fetus of gestational age of 35 weeks was found.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 57 of 2019 arising out of Raghapur P.S. Case No. 233 of 2019 pending in the Court of learned Additional District & Sessions Judge-VI-cum-Special Judge (POCSO), Supaul.

Prayer is refused.

(Rajesh Kumar Verma, J)

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