

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29599 of 2021

Arising Out of PS. Case No.-326 Year-2020 Thana- KOTWA District- East Champaran

=====

ASHARFI DAS SON OF YADUNAND DAS RESIDENT OF VILLAGE
KARARIA (BAIRAGI TOLA) P.S. KOTWA DISTRICT EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, it is stated by the informant that his 15 year old minor daughter on enquiry disclosed that the petitioner had secretly married her and was sexually exploiting her. Subsequently, the petitioner gave an offer that he would pay the cost of the marriage of the informant's daughter elsewhere.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for



extraneous considerations. Learned counsel for the petitioner takes the Court through the contents of the F.I.R. as also the statement of the daughter of the informant recorded under section 164 Cr.P.C. to submit that from perusal of the same, it would be evident that the daughter of the informant, who was a major, entered into the marriage with the petitioner out of her own free will and the petitioner had been falsely implicated in the instant case only to extort money from him. It is further submitted that the other cause of false implication would be evident from the contents of the proceedings of the panchayati which has been brought on record as Annexure-3 to the petition and further at the instance of one Harihar Das who was a candidate for Mukhiya in the Panchayat election. Recently the wife of the said Harihar Das was defeated in Panchayat election by the mother of the petitioner. There is an inordinate delay of eleven days in lodging of the F.I.R. The petitioner is in custody since 12.1.2021 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and on going through the materials on record especially the allegations in the F.I.R. together with the statement under section 164



Cr.P.C. wherein direct allegations of rape has been made against this petitioner by the minor daughter of the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

