

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35356 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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SHARIF MIYA @ MD. SARIF MIYA Son of Dildar Miya Resident of
Village- Pipra Kotaraha Kutti, Rampurwa, P.S.- Valmikinagar, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prerna Anand

For the Opposite Party/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-01-2022 The present petition has been taken up for

consideration through the mode of Video conferencing in view

of the prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

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

Petitioner seeks bail in connection with Mahila Bagaha
P.S. Case no. 16 of 2020 (POCSO 47/2020) registered for the
offence punishable under sections 341, 323, 376, 313, 506/34 of
the Indian Penal Code read with section 4 of POCSO Act and
section 3(2)(v) of the SC/ ST Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.2.2021 and charge sheet has



been submitted and the informant in the FIR alleges that her minor daughter aged about 15 years was working as house maid in the house of Praduman Sharma and wife of Praduman Sharma namely, Prem Sheela Devi took the victim in a room and got her raped by Suraj Kumar son of tractor driver of Praduman Sharma and threatened not to disclose the occurrence or else video will be made viral, further victim got pregnant and named accused got her aborted and this petitioner along with Sarpanch desisted her from making a police complaint on the assurance that the matter will be settled by Panchayat. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that allegation is absurd. It is further submitted that victim was assessed in between 18 to 19 years and was in love with Suraj and allegation of rape and abortion is exaggerated version of the occurrence to give serious colour of the case and FIR does not disclose the name of the doctor who caused abortion, since petitioner was not willing to side with the informant in a false case, hence, came to be implicated. It is further submitted that it does not stand to reason that the informant would not have known that her daughter is carrying five months pregnancy, if she was really pregnant, since FIR was not instituted while the



victim was carrying pregnancy that in itself shows that allegation is full of falsity. Learned counsel further submits that it does not stand to reason if the victim was really raped as alleged then the informant being mother would be desisted from filing the FIR merely on the assurance of this petitioner.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody and charge sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VII-cum- Special Judge POCSO, Bettiah, West Champaran in Mahila Bagaha P.S. Case no. 16 of 2020 (POCSO 47/2020).

(Satyavrat Verma, J)

s.hassan/-

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