

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37278 of 2021

Arising Out of PS. Case No.-103 Year-2019 Thana- BIHRA District- Saharsa

BISHUN DEO SHARMA @ VISHUNDEV SHARMA Son of - Late Munar
Sharma Resident of Village- Kataiya, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Bihra P.S. Case No.103 of 2019, giving rise to Special Case No.24 of 2019, registered for the offences punishable under Sections 341, 323, 354(B), 504, 506/34 of the Indian Penal Code. Later on, Sections 354, 354(D), 376, 509, 511 of the Indian Penal Code and 8 and 10 of the POCSO Act were added.

The mother of the victim girl alleged that on 19.06.2019, the son of the petitioner tried to commit rape upon her daughter. When the informant went to the petitioner and made protest, the petitioner tried to assault her with a khanti.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that after investigation, the police submitted final form against the petitioner but the learned court below took cognizance on the basis of materials in the case diary. It is further submitted that cognizance was taken on 20.08.2019 and summons was issued on 08.01.2021.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Considering the arguments of both sides and from perusal of the records including the case diary, it appears that no case is made out against the petitioner under the POCSO Act.

Accordingly, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st-cum-Special Judge (POCSO), Saharsa in connection with Bihra P.S. Case No.103 of 2019, giving rise to Special Case No.24 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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