

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41883 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- HIRAMMA P.S. District- Sheohar

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UMA SHANKAR SAH @ UMA SHANKAR KUMAR Son of Mr. Lalan Sah
@ Lalan Mahato Resident of Village - Rupabara, P.S. HIRAMA, District -
Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 26.04.2021, seeks
regular bail in connection with HIRAMMA P.S. Case No. 28 of
2021 registered for offences punishable under Section 376(3) of
the Indian Penal Code and Section 4 of the POCSO Act.

Prosecution case, in brief, is that on 23.04.2021, at
about 8:00 p.m., when the informant had went to call her father
at Rupwara, the accused Uma Shankar Sah forcibly caught hold
of her near Vishahar Sthan and took her to the mango orchard
and had committed rape with her. She had raised the alarm,



Vikram Kumar came on the spot, the accused managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. He has falsely been implicated in this case. He further submits that prosecutrix along with her mother was putting pressure for solemnizing her marriage with the petitioner and on refusal the present case has been lodged. Petitioner has clean antecedent and he is in custody since 26.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, taking into consideration the submission made by the petitioner that both the parties now do not want to proceed with case, as such, without going into the merits of the case, this Court directs the Court below to take statement of the victim girl, mother of the victim, father of the victim and all the witnesses, the Court below without being prejudiced with its earlier order dated 01.07.2021, shall pass a fresh order on the basis of material available on record and the statement recorded of all the evidence on record before him pass



a fresh order.

Accordingly, the present bail application is disposed
of.

(Purnendu Singh, J)

Niraj/-

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