

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55168 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- MAHILA P.S. District- Bhojpur

Ajay Prasad Son Of Shiv Shnkar Yadav R/O Village- Saharsa, P.S.- Sherbazar,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mrs.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mahila P.S. Case No.100 of 2020, registered for the offence under Section 354(B) of the Indian Penal Code and Section 6 of the POCSO Act.

As per the F.I.R., this petitioner is alleged to have sexually assaulted six year old daughter of the informant.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case with an ulterior motive. No such occurrence, as alleged in the F.I.R., has taken place. In fact, a flat was allotted to the wife of petitioner, who is posted in Bihar Police, and husband of the informant alongwith his two other colleagues were forcing them to vacate the said flat and as such, this false F.I.R. has been lodged against this petitioner. Petitioner claims clean antecedent and he is in custody since 22.12.2020. Investigation is complete.



However, learned A.P.P. for the State opposed the bail petition and submitted that the nature of allegation is very heinous and there is specific & direct allegation against this petitioner of sexually assaulting minor daughter of the informant. Moreover, all the prosecution witnesses have supported the case and the case is at the stage of recording statement of accused/petitioner under Section 313 of the Cr.P.C.

Considering the nature of allegation and stage of the case, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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