

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57748 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- HATHIDAH District- Patna

RAHUL SHARMA @ KAILA Son of Mahendra Mishtri @ Mahendra
Sharma Resident of Village - Dariyapur Murarpur, P.S. - Hathidah, District -
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Spl. (POCSO) Case No. 94 of 2020 arising out of Hathidah P.S.
Case No. 42 of 2020 instituted for the offence under Section 376
of the Indian Penal Code read with Sections 4 and 6 of the
Protection of Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 25.05.2020, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that she saw the petitioner
committing sexual assault with her three and half years old



daughter near north side of her house where garbage is kept and the victim was crying.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of dispute between the parties and the informant took this as an opportunity to implicate the petitioner. It is further submitted that petitioner is a lunatic/unsound mind which would be evident from Annexure-2 to the bail application. It is, thus, submitted that the petitioner was not able and capable to understand the consequences of his action.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that no mother would falsely implicate a person with such heinous allegation. Learned A.P.P. further submits that if what has been submitted by the learned counsel for the petitioner is true then the Vakalatnama ought to have been signed by a guardian or a person representing the petitioner as person of unsound mind or a minor is not entitled to file Vakalatnama, rather they have to be represented through their legal guardian.

Considering the submissions made by the learned A.P.P., the Court is not inclined to grant bail to the petitioner in connection with the aforesaid case pending in the Court of



learned Additional District & Sessions Judge-VI-cum-Special
Judge, POCSO Act, Patna.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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