

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72556 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- MAHILA PS District- Aurangabad

Sanoj Bind, S/O Purnavasi Bind R/O Village- Hasanpur, P.S.- Goh, District-
Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey

Mr. Bachan Jee Ojha

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the
offences punishable under Section 376(AB) of the Indian Penal
Code and Section 4 of the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 11.10.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that on cry of her granddaughter aged about
05 years, she went to see her and saw that the petitioner was
lying over her and her pant was down.



The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The F.I.R. was not disclosed that how and when he entered the house and further, the medical report negates penetrative assault, as such, no case under the POCSO Act is made out.

The learned A.P.P. for the State opposes the bail application and submits that there is an allegation that the informant heard the cry of her five years old granddaughter based on which, she went and saw the petitioner lying over the child and her pant was down that in itself demonstrates that the POCSO get attracted.

Considering the submission made by the learned Additional Public Prosecutor, the Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

(Satyavrat Verma, J)

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