

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4751 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- KARAKAT District- Rohtas

Arjun Tiwari Son of Late Kashi Nath Tiwari Resident of Village- Manik
Parasi, P.S.- Karakat, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Informant, Son of Late Ramji Sharma Resident of Village- Manik
Parasi, P.S.- Karakat, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-07-2023 Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
04.08.2022, in connection with Karakat P.S. Case No. 119 of
2022 (POCSO Case No. 79 of 2022), F.I.R. dated 11.07.2022
registered for the offences punishable under Sections 363, 366A
of the Indian Penal Code and Section 12 of the POCSO Act.

The prosecution case, in short, is that the informant's
daughter aged about 13 years was working in the house of
Rahila Kuwar. It is further alleged that accused persons namely
Prem Kumar, Sushil Tiwary and Arjun Tiwary who has sold his
daughter and when the informant enquired about the same, they



abused and assaulted him. It is further alleged that the informant tried to search his daughter but he did not find and also stated that Prem Tiwary and Arjun Tiwary have raped his daughter.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the ground that the petitioner has filed a complaint before the Superior Authority with respect to the Officer-in-Charge of the concerned police station and hence the officer-in-charge has falsely implicated the petitioner in the present case.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has supported the case of the prosecution and the medical report of the victim also suggests that she has subjected to sexual assault by the petitioner.

Considering the aforesaid facts that there is direct allegation that the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Karakat P.S. Case No. 119 of 2022 (POCSO Case No. 79 of 2022) pending in the Court of



Additional Sessions Judge-VII cum Exclusive Special Judge,
POCSO Act, Rohtas at Sasaram.

Prayer is refused.

(Rajesh Kumar Verma, J)

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