

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4171 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- MAHILA PS District- Jehanabad

Binod Sharma @ Binod Singh Son Of Late Awadh Sharma @ Awadh Lal
Sharma R/O Village- Bhadsari, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Informant	:	Mr. Tribhuvan Narayan, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.03.2022 in connection with Special POCSO Case No. 19 of
2022, arising out of Jehanabad Mahila P.S. Case No. 07 of 2022,
F.I.R. dated 24.02.2022 for the offences punishable under
Sections 376(AB) and 34 of the Indian Penal Code and Section
6, 10 and 34 of POCSO Act.

According to prosecution case, in brief as per written
report of the informant that on 23.02.2022 at about 10:00 A.M.,
her niece/victim disclosed before her that while she was
returning from temple, her co-villager Binod Sharma took her to



a cowshed enticing her where she was raped. Further, she disclosed that Dinanath Sharma also committed rape on her by enticing her. It is also alleged that prior to it they have also committed rape her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is aged about 80 years and the allegation against the petitioner is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and case diary submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has categorically stated the petitioner has committed rape upon her and the medical report also support the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Jehanabad Mahila P.S. Case No. 07 of 2022 and Special POCSO Case No. 19 of 2022 pending in the court of learned Additional Session



Judge-VI-cum-Special Judge (POCSO), Jehanabad.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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