

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15993 of 2023

Arising Out of PS. Case No.-504 Year-2022 Thana- MASHRAK District- Saran

Manish Ojha, Son of Late Shankar Ojha Resident of Village - Ghoghia, P.O.
and P.S.- Mashrak, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radhesh Kumar Sharma
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 377 of the
Indian Penal Code and Section 4 of POCSO Act.

According to F.I.R., the allegation against the
petitioner is that he committed unnatural offence with the
informant's son, who is nine years old mentally challenged boy.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case due to enmity. There is no
eye witness of the alleged incident. The petitioner is patient of
epilepsy who was not present in his village at the time of
occurrence. The victim has not properly stated in his statement
recorded u/s 164 of Cr.P.C. in respect of the prosecution case.



The medical report annexed with case diary also not supported the prosecution case and the doctor opined that no sign of sodomy present. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 05.01.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mashrak P.S. Case No. 504 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Saran, Chapra.

(Sunil Kumar Panwar, J)

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