

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41567 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- MAHILA P.S. District- Araria

Rosan Sharma @ Raushan Kumar Sharma S/O Ashok Sharma R/O Village-
Chhota Parbatta, Ward No. 8, Ps. Kursakanta, Dist. Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Roshani Kumari D/O Dilip Yadav R/O Village- Maheshkut, Ward No.07, Ps.
Kursakanta, Dist. Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 354(B), 376, 504, 506/34 of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. As per prosecution case, the informant who is victim of this case alleged that the petitioner along with other co-accused Rajendra Sharma took her to Araria and this petitioner made forcefully physical relationship with her. Other co-accused also outraged her modesty.

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 dirty village politics. For the alleged occurrence of 31.3.2022, the F.I.R. has been lodged on 29.5.2022 after delay of two months. It is also submitted that there is major contradiction between the FIR and statement of victim recorded u/s 164 of Cr.P.C. The victim/informant asserted that the petitioner committed rape and co-accused Rajendra Sharma outraged her modesty but she stated in her statement of u/s 164 of Cr.P.C. that both the accused persons committed wrong with her. The petitioner has got no criminal antecedent as stated in para-3 of the bail petitioner. It is further submitted that the petitioner is languishing in judicial custody since 2.5.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that there is direct allegation against the petition of committee rape with the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as 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 **after framing of charge, if charge is not framed** in connection with Mahila (Araria) P.S. Case No. 37 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 6th Additional Sessions Judge-cum-Special Judge (POCSO), Araria.

(Sunil Kumar Panwar, J)

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