

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50364 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- SONEPUR District- Saran

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UMESH SAH SON OF CHATURBHUI SAHA RESIDENT OF VILLAGE-
PARVEZABAD (GOLA BAZAR) PS -SONEPUR DISTRICT -SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navneet Jha, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sonapur
P.S. Case No. 412 of 2022 dated 17.06.2022 registered for the
offence under Sections 4 of Protection of Children From Sexual
Offences (POCSO) Act.

The petitioner is alleged to have committed unnatural
sex with the son of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that there is no eye witness to the alleged occurrence. He further



submits that the place of occurrence rooftop of the Dharamshala of temple which is a crowded place but no independent witness has come forward to support the prosecution case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.06.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there direct and specific allegation against the petitioner and the statement of the victim has been recorded under Section 164 Cr.P.C. in which he has categorically stated that the petitioner has committed unnatural sex with him.

Considering the facts and circumstances of the case and the rival submission of the parties and also the age of the victim, who is minor, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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