

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54198 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- MAHILA PS District- Darbhanga

PRABHAKAR JHA S/o Late Rajendra Jha Resident of Village- Ughra, P.S.-
Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2023 Heard learned Senior counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376 (A) (B) and 504 of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

Learned Senior counsel for the petitioner submits that the petitioner is in custody since 02.07.2022, and is a person with clean antecedent and is a senior citizen aged about 62 years.

The informant alleges that on 01.07.2022, at about 6:00 P.M., when her minor daughter had gone to attend nature's call in the orchard, when this petitioner came and forcefully took her in his orchard, where he disrobed her and touched her inappropriately on her private parts.



Learned Senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the present false case has been instituted as the father of the victim had taken loan of Rs. 50,000/- from the petitioner for which the petitioner was pressurizing and as such, the present case came to be instituted in order to coerce the petitioner into submission, it is next submitted that even the allegation does not inspire confidence as it was not supported by medical evidence even.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that allegation is of touching a minor inappropriately which is a serious offence.

Considering the submission made by the learned A.P.P., the Court is not inclined to release the petitioner on bail.

However, the petitioner would be at liberty to renew his prayer for bail after framing of charges.

(Satyavrat Verma, J)

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