

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63824 of 2023**

Arising Out of PS. Case No.-439 Year-2022 Thana- SAUR BAZAR District- Saharsa

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AJAY KUMAR SADA @ AJAY KUMAR, S/O BATAN SADA, R/O
VILLAGE BAIJNATHPUR, WARD NO 06, PS SOUR BAZAR, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case no. 69 of 2022 (arising out of Sour Bazar P.S. Case no. 439 of 2022) registered under sections 376A, 376B, 341, 323, 504, 506 and 34 of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner and one another are said to have committed rape on the 3 year old daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of pending dispute between the parties. There is no eye witness to the alleged occurrence. Only two witnesses have been examined



on behalf of the prosecution and the petitioner undertakes to cooperate in the trial. The petitioner is in custody since 27.8.2022 and has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner who along with one another are said to have committed rape on the 3 year old daughter of the informant, the contents of the injury report which finds mention in the order of the learned Court below rejecting the application for bail of the petitioner together with the trial having commenced in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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