

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65003 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- MAHILA PS District- Gaya

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Basant Mistry Son Of Late Lakhan Mistri R/O Village- Moniyatri, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 376(AB) of the Indian
Penal Code and Section 4 of the POCSO Act.

The Prosecution case, in short, is that on 22.08.2022
at about 6:00 P.M. the informant's daughter aged about 5 years
who had gone to watch T.V. in the house of Basant Mistry and in
the meanwhile the informant heard cry of her daughter and
when she reached there she saw that the jeans and
undergarments of her daughter was taken off then she asked her
daughter who told that the petitioner Basant Mistry was
inserting finger in her genital so the victim felt pain and began to
weep.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner, and submits that the statement of the victim girl was recorded under Sections 164 of the Cr. P.C. who is aged about 5 years of old in which she has categorically stated that the petitioner has committed wrong with her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Gaya Mahila P.S. Case No. 73 of 2022 pending in the Court of learned Special Judge POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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