

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67376 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- BABUBARHI District- Madhubani

DINESH SHARMA Son of Ramsewak Sharma @ Kari Sharma R/o- Donwari
Hat P.S.- Babubarhi District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Babubarhi P.S. Case No. 118 of 2022 registered for the offences punishable under Sections 376, 511 and 506 of the Indian Penal Code read with Section 6 and 12 of the POCSO Act pending in the Court of learned A.D.J.-VI-cum-Special Judge (POCSO), Madhubani.

While the informant had gone to attend call of nature, the petitioner is said to have attempted to commit rape against her and also torn her clothes.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. As a matter of fact, the petitioner and father of the informant are



agnates. The petitioner is married and having two children. The victim appeared on 27.06.2022 before the Medical Board but refused to examined herself medically. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that the allegation against the petitioner is of committing rape and molesting a minor girl, he does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the fact that victim is minor, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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