

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74755 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- SINGHWARA District- Darbhanga

Vivek Kumar Sharma S/O Gautam Sharma Resident of village-
Paigambarpur, P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
23.09.2022 in connection with Singhwara P.S. Case No. 201 of
2022, F.I.R. dated 21.09.2022 for the offences punishable under
Section 376 of the Indian Penal Code and Section 4/6 of
POCSO Act.

According to prosecution case, the petitioner caught
the victim girl and committed sexual assault with her. It is
further alleged that the petitioner also assaulted the victim and
threatened her and fled away leaving her in a unconscious state.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present 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 offences as alleged in the F.I.R.

The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and it has come during investigation that the number of witnesses have supported the allegation of the prosecution.

Considering aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Singhwara P.S. Case No. 201 of 2022 pending in the court of Special Judge (POCSO Act), Darbhanga.

Prayer is refused.

(Rajesh Kumar Verma, J)

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