

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21951 of 2024

Arising Out of PS. Case No.-961 Year-2021 Thana- BANKA District- Banka

Chhotu Sharma S/o Subodh Sharma, R/o village - Bararpur, P.S. - Banka,
Distt. - Banka (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Santosh Kumar, Advocate
For the Opposite Party : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2024 Heard Mr. Santosh Kumar, the learned counsel for
the petitioner and Mr. Suman Kumari Singh, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
09.03.2022 in connection with Banka PS Case No. 961 of 2021,
FIR dated 04.12.2021, registered for the offences punishable
under Sections 341/34, 323/34, 366(A)/34, 354(D)/34 and
376/34 of the Indian Penal Code and under Section 67 of the IT
Act and also under Section 4 of the POCSO Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 58237 of 2022, which was
rejected vide order dated 06.07.2023.

4. According to the prosecution case, the cousin of the
informant (petitioner) used to sexually exploit his daughter and



also captured obscene photos and videos of the victim and made them viral. It is further alleged that the petitioner also threatened the victim's family with dire consequences, if they ever disclosed the said incident. It is further alleged that the petitioner along with other persons abducted the informant's minor daughter.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

6. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record has vehemently opposed the prayer for bail of the petitioner and submits that victim has been recovered and recorded her statement under Section 164 of the Cr.P.C. in which she has firmly stated that the petitioner has committed the act of rape upon her and apart from that the petitioner has also uploaded her video on social media.

7. Considering the aforesaid facts and circumstances and the nature of allegation, I am **not** inclined to enlarge the petitioner on bail in connection with Banka PS Case No. 961 of



2021, pending in the Court of learned Additional Sessions
Judge-VI-cum-Special Judge, POCSO, Banka.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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