

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28418 of 2024

Arising Out of PS. Case No.-272 Year-2023 Thana- JOGBANI District- Araria

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Dashrath Sharma Son Of Shivanand Sharma @ Shivanandan Sharma @
Shivan Sharma Resident Of Village- Bathnaha Bhatiyahi, Ward No. 27, Pop-
Bathnaha, Ps- Jogbani (BATHNAHA Op), Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate
For the State : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Jogbani (Bathnaha) P.S. Case No. 272 of 2023 registered for the
offence punishable under Sections 376/34 of the Indian Penal
Code and Section 4 of the POCSO Act.

3. The petitioner is accused of committing rape with a
minor girl.

4. Learned counsel for the petitioner has vehemently
argued the case and has submitted that the petitioner has not
committed rape but in fact it is a case of consensual sex. Even if
the argument of the petitioner is accepted, he is 40 years old and
he had sex with a 13 year old girl and her consent is immaterial.



5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

6. Considering the nature of allegation, I am not inclined to grant bail to the petitioner.

7. Accordingly, this application stands dismissed.

8. The Court below is directed to expedite the trial.

(Sandeep Kumar, J)

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