

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48238 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Raju Sah @ Raju Kumar Son of Chalittar Sah R/O Vill.- Sarahi ward no 40,
P.S.- Saharsa, Dist.- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudha Devi W/O Vijay Kumar R/O Village-Sarahi.ward no.40,P.S.-
Saharsa,Distt-Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 09-12-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Special
POCSO Case No. 26 of 2024, arising out of Saharsa (Town) P.S.
Case No. 76 of 2024, instituted for the offences punishable
under Sections 376 (A B), 511, 341, 323, 504/34 of the Indian
Penal Code, Section 4, 6 and 18 of the POCSO Act.

3. The prosecution case, in short, is that, while minor
daughter of the informant was playing outside, the petitioner
tried to commit sexual assault upon the daughter of the
informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted as well as charge has already been framed in this case. Learned counsel for the petitioner also submits that as per medical report, neither any sign of sexual assault nor any injury on any part of body of the victim has been found. It is further submitted that the victim in her statement recorded under Section 164 Cr.P.C. did not mention anything against the petitioner. The petitioner is in custody since 28.01.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the victim in her statement recorded under Section 164 of Cr.P.C. has supported the prosecution case and has specifically stated against the petitioner. It is further submitted that after perusing report of the trial Court it appears that the trial is running at the stage of prosecution evidence and out of 08 charge-sheeted prosecution witnesses, 03 witnesses including victim have been examined. There is direct allegation levelled against the petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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