

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70485 of 2024**

Arising Out of PS. Case No.-49 Year-2024 Thana- Bhawanipur District- Bhagalpur

Nago Sharma S/o- Late Jagdeo Sharma Village- Mohanpur PS-Bhawanipur  
Dist-Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mr. X x

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Rajive Ranjan Singh, Advocate |
| For the Opposite Party/s | : | Mr. Mohammed Arif, APP            |
| For the Informant        | : | Mr. Amrendra Kumar, Advocate      |

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

ORAL ORDER

3      10-12-2024              Heard learned counsel for the petitioner and learned APP  
  
for the State as also learned counsel for the Informant. Perused  
  
the case diary.

2.      The petitioner seeks bail in connection with  
  
Bhawanipur P.S. Case No. 49 of 2024 instituted for the offence  
  
under Sections 147, 149, 323, 354, 354B of the Indian Penal  
  
Code and Sections 7 & 8 of the POCSO Act.

3.      As per prosecution case, allegation against the  
  
petitioner is of molesting and sexually assaulting the minor  
  
daughter of the informant.

4.      It has been submitted on behalf of the petitioner  
  
that the petitioner is in custody since 04-05-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is land dispute between the parties. There is no eye witness to the occurrence. There is case and counter case between the parties bearing Bhawanipur P.S. Case No. 50 of 2024. It is next submitted that from bare perusal of the FIR itself, it would manifest that victim has mental disorder. It is lastly submitted that police after investigation has already submitted charge sheet in this case.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material available in the case diary and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with  
Bhawanipur P.S. Case No. 49 of 2024, subject to the  
following conditions:

(I) One of the bailors shall be own/close member of the  
family of the petitioner.

(II) The petitioner shall appear on each and every date  
fixed at the trial. In case of default in such appearance on  
two consecutive dates, the Trial Court will have liberty to  
cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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