

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70049 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- MAHILA P.S. District- Araria

Rajendra Sharma @ Rajendra Prasad Sharma Son Of Late Laxmi Sharma
Resident Of Village- Chhota Parbatta, Ward No. 8, Ps- Kursakanta, District-
Araria

... .. Petitioner/S

Versus

1. The State Of Bihar And Ors Bihar
2. Roshani Kumari Daughter Of Dilip Yadav Resident Of Village- Maheshkut,
Ward No. 7, Ps- Kursakanta, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 354(B), 376, 504, 506/34 of the Indian Penal Code and u/s 4 and 6 of the POCSO Act.

3. As per the prosecution case, the allegation against the accused persons including petitioner have kidnapped the informant and on the point of knife they have sexually exploited her.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case. There is an inordinate delay of two



months in lodging the F.I.R. without giving any plausible explanation, the said occurrence has taken place on 31.03.2022 and F.I.R. has been lodged on 29.05.2022. He further submitted that after investigation police has submitted final form against the petitioner but differing from the learned court below took cognizance. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the fact that police has submitted final form against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Araria Spl. POCSO P.S. Case No. 37 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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