

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73079 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

Bablu Kumar Son Of Kameshwar Prasad Resident Of Village - Ghorasahan,
Police Station - Ghorasahan, District - East Champaran

... .. Petitioner/S

Versus

1. The State of Bihar
2. Mr. X Sheohar, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the Informant	:	None
For the Opposite Party/s	:	Mr.Jagdhar Prasad, APP

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

ORAL ORDER

5 07-05-2024 No one appears on behalf of the informant despite
valid service of notice.

2. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

3. The petitioner seeks bail in connection with Tariyani
P.S. case No. 79 of 2023 instituted for the offences under
Sections 341, 342, 354, 354B of the Indian Penal Code and
Section 12 of the POCSO Act.

4. Prosecution case, in short, is that, on the alleged
date and time of occurrence, this petitioner called the informant
in the library room and molested her.

5. Learned counsel for the petitioner submitted that the



petitioner is innocent and has falsely been implicated in the present case. He further submitted that there is delay of about thirty hours in lodging the FIR without plausible explanation. This delay raises suspicion over the prosecution story. He further submitted that medical board has examined the age of the victim about 16-17 years. Learned counsel further referred paragraph-159 of the case diary and submitted that the doctor who examined the victim has opined that there is no evidence of recent sexual activity. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.06.2023 and has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that this petitioner called the victim in the library and molested her and made the video of the incident viral. Learned APP further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution version. Learned APP further submitted that police after investigation submitted charge-sheet u/s 341, 342, 376(2)(f) of the IPC, Sections 4, 6 of the POCSO Act and Sections 66(c), 67(a) of the IT Act. Learned APP further urged that considering the heinous nature of offence, the petitioner may not be released



on bail.

7. Having considered the submissions canvassed by the parties and the material placed on record, and taking into account the statement of the victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

8. Prayer is rejected.

9. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

