

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72292 of 2023

Arising Out of PS. Case No.-206 Year-2019 Thana- GOH District- Aurangabad

MUNNA LAL SHARMA, aged about 70 years, Gender-Male, S/o Late Ramrup Sharma, Resident of Village - Gopi, P.S.- Shihoniya, District - Muraina (M.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 16-02-2024 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner is in custody in connection with Goh P.S. Case No. 206 of 2019 from the Court of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad registered for an offence punishable under Sections 363 & 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation against this petitioner is to have sexually assaulted upon the grand-daughter of the informant who is aged about 17 years and since last three years she is not traceable.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He next submits that petitioner is not named in the FIR rather his name has transpired in the statement recorded under Section 164 of the Cr.P.C. Petitioner has got clean antecedent as stated in para-3 of the petition and petitioner is in custody since 24.06.2023.

5. However, learned APP for the State opposes the prayer for regular bail of the petitioner and submits that there is direct allegation against this petitioner for committing rape upon her.

6. Perused the first information report, case diary and statement recorded under Section 164 of the Cr.P.C., it appears that on the basis of written report of informant of the grandmother of the victim, the FIR was registered under Sections 363 and 366A of the IPC and Section 8 of the POCSO Act and after concluding the investigation, the investigating officer submitted charge-sheet under Sections 363, 370(1)(4) and 376(1)(3), 467, 468, 471 and 120(B) of the Indian Penal Code and Section 4 of the POCSO Act. In the statement under Section 164 of the Cr.P.C. the victim has clearly stated the involvement of the petitioner for committing rape in several times with her.

7. Considering all the facts and circumstances of the case, this is a case of human trafficking and petitioner is



sexually assaulted and exploited upon the victim in several times, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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