

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71570 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- AANDAR District- Siwan

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Vishal Sharma @ Vishal Kumar Sharma Son Of Mahesh Sharma Resident Of
Village- Usari Bujurg, P.S.- Andar (M.H. Nagar), District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma
		Mr. Angad Kunwar
For the Opposite Party/s :		Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 307, 325 and 34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

3. As per allegation in the FIR, while the informant was returning home, the petitioner molested the informant and torned her clothes, however, she escaped and told her family about the incident. It is further alleged that when her mother and maternal uncle went to petitioner's house to enquire then accused persons along with petitioner brutally assaulted her maternal uncle with intention to kill.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. There is case and counter case between both the parties. Co-accused Govind Sharma @ Govind Kumar Pandey lodged Andar (M.H. Nagar) P.S. case No. 222 of 2022 against the maternal uncle of the victim and for saving the skin a false case of POCSO Act has been lodged. The entire prosecution story is false and concocted. No occurrence as alleged by the prosecutrix has ever taken place. The informant did not identify the petitioner in T.I.P., so no offence is made out against the petitioner. It is further submitted in para 12 of the petition that allegation of assault to maternal uncle namely, Sanoj Kumar Patel is general and omnibus and Sanoj Kumar is a veteran criminal. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Several co-accused persons have already been granted bail by another co-ordinate Bench of this Court vide order dated 21.07.2023 passed in Cr. Misc. No. 35826 of 2023. Moreover, the petitioner is languishing in judicial custody since 03.08.2023.

5. The application for bail is opposed by learned APP for the State.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Siwan in connection with Andar (M.H. Nagar) P.S. Case No. 223 of 2022.

(Sunil Kumar Panwar, J)

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