

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76791 of 2023

Arising Out of PS. Case No.-43 Year-2016 Thana- MAHILA P.S. District- Patna

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Ashish Kumar @ Hatu Sharma @ Hattu Sharma Son Of Abhay Sharma @
Abhay Kumar R/O Village- Kaili, P.S.- Dhanarua, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhukar Anand

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

3. As per prosecution case, petitioner took the five years old daughter of the informant to his house while she was coming from school and after pulling her cloth, committed wrong with her. The victim girl back to her house weeping and became unconscious.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He



has falsely been implicated in this case due to pre-existing land dispute between the parties. There is delay of more than 48 hours in lodging the present case. It is further submitted from para-3 of the supplementary affidavit which is statement of the victim as well as her mother during trial, in which both of them have not supported the prosecution version and turned hostile. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He has suo moto surrendered before the court below on 16.05.2023 and since then, he is languishing in judicial custody.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C. wherein the doctor opined that petitioner tried to commit wrong with the victim girl.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 43 of 2016 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Patna.

(Sunil Kumar Panwar, J)

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