

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3920 of 2024

Arising Out of PS. Case No.-286 Year-2023 Thana- MOKAMAH District- Patna

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Bholi Singh @ Bholi Prasad Singh Son of Late Sahdev Singh Resident of
Village - Ramcharan Tola (Ward No.- 14), Police Station - Mokama, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms.Nirmala Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Mokama P.S. Case No. 286 of 2023 registered for the
offences punishable under Section 354(B) of the Indian Penal
Code and Section 8/12 of POCSO Act, but later on Sections
354, 376, 511 of the Indian Penal Code were added.

3. Allegedly, petitioner is said to have sexually assaulted
the informant's minor daughter after disrobing her.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. No such occurrence as alleged ever took place.
Petitioner is a senior citizen aged about 61 years. He has been



falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Both the parties are next door neighbours and there is previous dispute between them regarding a drainage and due to personal grudge, he has been made accused in the present case. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioner. The statement of the victim has been recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. It is further submitted that the process under Sections 82 & 83 Cr.P.C. has been completed against the petitioner during the pendency of the present case. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in



accordance with law without being prejudiced by this order.

8. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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