

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77395 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- BIHIA District- Bhojpur

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Dinesh Sharma Son of Late Thakur Sharma Resident of Vill- Pakari, P.S.-
Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Rinku Devi Wife of Dinesh Sharma Resident of Vill- Pakari, P.S.- Bihiya,
District- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Jai Shankar Pathak, Adv.
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, A.P.P.
	Mr. Ravi Shankar Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bihiya P.S. Case No. 168 of 2024, registered for the offences under Sections 376, 511, 354(B) of the Indian Penal Code and Section 8/12 of Protection of Children from Sexual Offences Act.

3. As per the prosecution case, the petitioner tried to commit rape with his minor daughter.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is father of the



victim and she has no grievance against the petitioner. The informant is second wife of the petitioner and being a lady of questionable character she has filed this false case in collusion with step-daughter. But from the facts of the case, no offences under Section 376/511 of the Indian Penal Code and Section 8/12 of the Protection of Children from Sexual Offences Act is made out against the petitioner. The petitioner is in custody since 26.06.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. appearing for the State submits that it is a heinous offence as petitioner tried to commit rape with his own daughter. However, learned counsel for the informant submits that matter has been compromised between the parties and the informant does not want to proceed with the case.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-Vith-cum-Special Judge, POCSO, Bhojpur at Ara/concerned court, in connection with Bihiya P.S. Case No. 168 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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