

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77622 of 2024

Arising Out of PS. Case No.-142 Year-2023 Thana- SHRI NAGAR District- Madhepura

Mithilesh Kumar Sharma, Son of Late Anant Sharma, Resident of Village-
Budhua, Ward No. 12, P.S.- Srinagar, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahesh Mandal, Son of Bhimdeo Mandal, Resident of Village- Puraini,
Ward No. 07, P.S.- Srinagar, Distt.- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate
		Ms. Pooja Prasad, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. However, none has entered appearance on
behalf of the opposite party no.2 despite valid service of notice.

2. In the present case, the petitioner seeks bail in
connection with Srinagar P.S. Case No. 142 of 2023, registered
for the alleged offences under Sections 363, 366(A) of the
Indian Penal Code and Section 8 of POCSO Act.

3. As per prosecution case, the petitioner, who used to
give tuition to the minor daughter of the informant, enticed her
away.

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this



case. The victim girl herself went to the police and gave an application stating therein that she went to the house of her friend and did not name this petitioner. However, in her statement recorded under Sections 161 and 164 Cr.P.C., she stated about the petitioner taking her away on his motorcycle on pretext of giving her some books and he tried to commit rape with her. The learned counsel further submits that the victim girl was medically examined and no sign of recent sexual intercourse has been found and her statement recorded under Section 164 Cr.P.C. shows the petitioner did not commit rape or any sexual assault on the victim girl. The learned counsel further submits that the petitioner is in custody since 20.07.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf the petitioner. The learned APP submits that the victim girl specifically named this petitioner for taking her away and he tried to commit rape with her.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet, period of custody of the petitioner and his clean antecedent, the petitioner is directed to be



released on bail 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), Madhepura, in connection with Srinagar P.S. Case No. 142 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the 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.
- (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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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