

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45133 of 2015

Arising Out of PS.Case No. -149 Year- 2015 Thana -KASBA District- PURNIA

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1. Abdul Rahim, son of Md. Anwarul Haque Resident of Village- Bojgown,
P.S. Kasba, District Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar 2(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 16-10-2015 Heard learned counsel for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under
Sections 376 of the Indian Penal Code and 4 and 5 of
the Protection of Children From Sexual Offences Act,
2012.

The prosecution case is that while the
informant was going to fetch water, the petitioner

caught her, took her to bamboo orchard and ravished her.

It is submitted by the learned counsel for the petitioner that under Section 164 Cr.P.C. statement the victim got her age recorded 16 years, the Court also assessed her aged 17 years, where she has stated that attempt was made to ravish her by the petitioner. But even assuming the statement under Section 164 Cr.P.C., at best a case under Section 354 of the Indian Penal Code is made out. For the occurrence of 11.06.2015 the First Information Report has been registered on 18.06.2015. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail of the petitioners, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Special Case No. 31 of 2015, arising out of Kasba P.S. Case No. 149 of 2015, pending in the court of learned Chief Judicial

Magistrate, Purnia.

With this observation this application is disposed of.

(Dinesh Kumar Singh, J)

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