

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3264 of 2016

Arising Out of PS.Case No. -107 Year- 2015 Thana -AMDABAD District- KATIHAR

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Sheikh Moti @ Md. Motiur Rahman @ Sheikh Mote age 28 years Son of
Sheikh Jailil Resident of Village Taiyabpur, Police Station Amdabad,
District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate
For the Opposite Party : Mr. Arun Kumar Singh 5, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 19-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Amdabad P.S. Case No. 107 of 2015 pending in the Court of
Additional Sessions Judge-I, Katihar, for the offences instituted
under Section 376 of the Indian Penal Code and Section 3/4 of the
POSCO Act.

Case diary has been called for, which has been received.

Learned counsel for the petitioner submits that the
report of the medical examination is that the victim is aged about
17 to 18 years. Therefore, the provision of POSCO Act will not be
attracted. He further submits that so far as the allegation of rape is
concerned, it is a clear case of consensual. It is further submitted

that the petitioner declined to marry with the victim girl, which resulted in filing the present case.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that the petitioner had consistently misleading the girl and had indulged in having physical relationship with the petitioner.

However, after all the facts and circumstances of the case and also taking into consideration in the case diary, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

However, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Anjana Mishra, J)

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