

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34379 of 2016**

Arising Out of PS.Case No. -4 Year- 2016 Thana -BABUBARHI District- MADHUBANI

Sanjay Kumar Singh @ Sanjay Kumar @ Sanjay Singh Son of Ram  
Prakash Mahto Resident of Village- Hanuman Nagar, (Bathanaha) P.S-  
Phulparas, District- Madhubani.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : M/s Vikram Deo Singh and  
Sanjay Kumar, Advocates

For the State : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**  
**ORAL ORDER**

2 17-09-2016

Heard learned counsel for the petitioner.

The petitioner apprehends his arrest in a case registered for offences punishable under Sections 366A of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act (POCSO Act), 2012.

As per the allegation set out in the first information report the minor daughter of the informant did not return after she had gone to ease her out. It is stated that the daughter of the informant has been abducted by Pawan Kumar Mahto as he was seen taking her on a motorcycle and the girl had talked with the aforesaid Pawan Kumar Mahto earlier on cellphone. After recovery, statement of the girl was recorded under Section 164

Cr.P.C. in which she has stated that two boys to whom she had seen earlier have abducted her and taken her on motorcycle and she was taken to a college where petitioner and co-accused Pawan Kumar Mahto committed rape upon her. Thereafter, they brought her to the Railway Station and dropped her in a train and fled away.

Having regards to the direct allegation levelled against the petitioner by the victim girl in her statement under Section 164 Cr.P.C. of committing rape and the fact that the court has assessed her age about 16 years and she has also disclosed her age to be about 16 years, however, in medical report her age was stated to be 18 years, this Court would not be inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, this application is dismissed.

**(Dr. Ravi Ranjan, J)**

Spd/-

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