

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36627 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -JAMUI District- JAMUI

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1. Guljar Khan @ Md. Guljar Son of Kamal Khan Resident of Village
Thana Chock, Jamui, P.S. and District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Ahmad Ali

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

3 09-09-2016

Heard learned counsel for the petitioner and the
State.

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 354A of
the Indian Penal Code and 4, 7, 8 of the Protection of Children
from the Sexual Offences Act.

The prosecution case is that on 20.05.2016 at 7.00
A.M. the informant was returning home after meeting her
mother from the hospital, when this petitioner Guljar Khan
and his brother Billa Khan caught hold of her and took her in
the house and both after pushing on bed tried to ravish her,
but as soon as they tried to undress her she raised alarm.
Though, the occurrence was being seen by the Kamal Khan
his wife and his daughter.

It is submitted by the learned counsel for the

petitioner that medical report of victim reflects no injury and she has been found aged about 18 years. Hence, no application of Protection of Children from the Sexual Offences Act has been made out. Even assuming the accusation no offence of Penetrating Sexual Assault under Section 3 of the Protection of Children from the Sexual Offences Act is made out. Accusation has been levelled in the background of a petty land dispute between the parties. 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 bail of the petitioner, if the petitioners surrender before the learned court below within a period of six weeks from today in connection with Jamui P.S. Case No. 152 of 2016, pending in the court of learned Chief Judicial Magistrate, Jamui.

With this observation this application is disposed of.

(Dinesh Kumar Singh, J)

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