

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45604 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -JANKINAGAR District- PURNIA

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Jay Kumar Yadav Son of Belo Yadav Resident of Village- Chakmaka, P.S.-
Janki Nagar, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 20-12-2016 Heard Mr. Ramakant Sharma learned senior counsel

appearing on behalf of the petitioner. Nobody appears on behalf of

the State.

The petitioner apprehends his arrest in Janki Nagar P.S.

Case No. 73/2016, registered for the offences punishable under

Section 376 of the Indian Penal Code and Sections 4, 6 and 12 of

the P.O.C.S.O. Act.

The informant alleged that his daughter studying in

Class X, used to take tuition from the petitioner. The petitioner

took her to Saharsa on the pretext of getting her passed in the

examination and the petitioner is alleged to have committed rape

with the minor girl.

Mr. Ramakant Sharma, learned senior counsel for the



petitioner submits that the occurrence took place on 14.06.2016, but the F.I.R. was lodged on 25.06.2016. The victim was medically examined on 25.07.2016 and the statement of victim was also recorded on the same day. The doctor of course, assessed the age of the victim girl between 16 to 17 years and even after one month the doctor found sign of rape, but the victim produced the certificate of Madhyama before the Dy. S.P. in which her age was more than 18 years. It is submitted that victim appears to be a consenting party and she lodged the case only to extract money.

Considering the facts aforesaid and the fact that victim herself made allegation in her statement recorded under Section 164 Cr. P.C. that on the pretext of getting her passed in the examination, the petitioner committed rape with her, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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