

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46666 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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Jaykant Kumar Son of Sri Nand Kumar singh @ Bhuto singh resident of
village Bahuarba, P.S.- Salkhua District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Diwakar Prasad Singh, advocate

For the Opposite Party : Mr. Md. Anzarul Haque Sahara (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 13-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Saharsa Mahila P.S. Case No. 47 of 2016, registered for the
offences punishable under Sections 376, 323 & 504 of the Indian
Penal Code and Section 4 of POCSO Act.

Allegedly, the petitioner being the neighbour of the
informant, after giving assurance to marry with her developed
physical relationship, resulting, the informant became pregnant of
four months and when the informant went to talk for marriage then
the petitioner assaulted and abused her.

Submission is of false implication and that the
doctor, who has examined the victim, has found her age below 18



years and as per report she was having pregnancy of 34 weeks and 5 days on the date of examination i.e. on 23.07.2016. The petitioner submits that he is ready for D.N.A. test and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the informant is minor and, as such, the consent does not have any role.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands rejected in connection with Saharsa Mahila P.S. Case No. 47 of 2016, pending in the Court of learned 1st Additional Sessions Judge at Saharsa.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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