

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50821 of 2016

Arising Out of PS.Case No. -229 Year- 2016 Thana -JAGDIHSPUR District- BHOJPUR

Sri Kant Sharma, Son of Moti Sharma, resident of village - Bharasara, P.S.
Jagdishpur, District Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate.

For the Opposite Party : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with POCSO Case No. 32/2016, arising out of Jagdishpur P.S.
Case No. 229 of 2016 for the offences instituted under Sections
376 of the IPC and 3/4 of POCSO Act.

The prosecution story, in brief, is that on the alleged date
and time of occurrence, the victim girl, Saleha Khatoon aged
about 12 years, was present inside the house lonely and at that
time accused came there and handed over some feeding material to
the victim girl who went under unconsciousness after taking the
same. When the informant Julekha Khatoon came at her house



then she found that some blood stained was present over both thigh of the victim girl and bleeding was also going on from her private part.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The alleged date of occurrence is 06.07.2016 but the FIR was instituted on 14.09.2016. The delay has not been explained by the prosecution. The medical examination report (Annexure-2) also does not support the allegation made in the FIR. The medical prescription and ultrasound report of the victim annexed to the FIR, also do not support the allegation made in the FIR.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. The specific allegation of commission of rape is alleged against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Jagdishpur P.S. Case No. 229 of 2016, pending in the court of learned Additional District and Sessions Judge-1st, Bhojpur at Ara. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own without



being prejudiced by the order of this Court.

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(Sudhir Singh, J)

