

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8717 of 2016

Arising Out of PS.Case No. -467 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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1. Jagdish Sah Son of Gonaur Sah Resident of village- Vishwanathpur P.s
Kanti District Muzaffarpur.;

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and the

State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 377 of the Indian Penal Code and 8, 10 of the Protection of Children from the Sexual Offences Act.

The prosecution case is that with the minor son of the informant the petitioner committed unnatural offence.

It is submitted by the learned counsel for the petitioner that the injury report reflects that pathological examination of the anal does not suggest the presence of spermatozoa. The informant has retracted from the initial version and filed a petition to that effect before learned court below. Moreover, for the occurrence of 01.10.2015 the First Information Report was registered on 05.10.2015.

Considering the delayed lodging of the First Information Report and retracted version of the informant, the aforesaid facts constitute ground for consideration of prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Kanti P.S. Case No. 467 of 2015, pending in the court of learned Ist Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffarpur.

With this observation this application is disposed of.

(Dinesh Kumar Singh, J)

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