

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51542 of 2015

Arising Out of PS.Case No. -46 Year- 2013 Thana -SHEIKHOPUR SARAI District- SEKHPURA

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Hira Paswan Son of Rampravesh Paswan	Resident of village - Asthana,
P.S. Shekhopursarai, District – Sheikhpura	 Petitioner
Versus	

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	: Mr. Ambika Bhagat (SPL.APP)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioner and the other side.

The petitioner apprehends his arrest in a case under section 376D of the Indian Penal Code, under section 6 of the POCSO Act and under sections 3(I)(XII) SC/ST Act.

The petitioner submits that the offence under the SC/ST Act would not be applicable as he himself comes from SC category. Further, the allegation that he and one another person entered into the house of informant, pushed clothes in the mouth and committed rape on 7 years old daughter of informant, is not correct, as the victim did not identify them at that time and now after ten months she has named them in her 164 Cr.P.C. statement.

Counsel for the State submits that the girl has made

164 Cr.P.C. statement only when police filed an application for the same and even the superior officers have also found the case to be true against the petitioner.

In my view, the grounds of the petitioner may be a good ground for regular bail, as such, he is directed to surrender and seek regular bail which would be disposed of on its own merit without prejudice preferably on the same day.

(Samarendra Pratap Singh, J)

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