

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6498 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

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Amarjeet Das, Son of Mallu Das, Resident of Village- Kanjoujar, Ghat,
Salha, P.S.- Chakehshi, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Surya Narayan Roy, Advocate

For the Opposite Party : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 12-04-2017

Heard.

The petitioner is in custody in connection with Chakmaheshi P.S.Case No.76 of 2016 pending in the Court of Additional District & Sessions Judge-Ist, Samastipur registered for an offence under Section 377 of the IPC and Section 3/4 of the POCSO Act.

The allegation against this petitioner is that he induced the minor son aged about five years of the informant and took him to an orchard field near a school and committed unnatural offence.

Counsel for the petitioner submits that the petitioner has been implicated due to village politics. The medical report does not support the allegation of unnatural offence and he is in



custody since 15.09.2016 and having no criminal antecedent.

However, learned APP opposed the submission and submits that the allegation of committing unnatural offence finds support from the medical report and the statement of witnesses recorded in course of investigation.

On perusal of the para-20 of the case diary, I find that the doctor examined the victim and found abrasion in annul region, which of course, was superficial. The informant and witnesses have supported the allegation of unnatural offence and the victim was treated at PHC, Kalyanpur and thereafter referred to Sadar hospital, Samastipur.

Considering the allegation of unnatural offence by a grown up person on five years child, I am not inclined to direct the release of the above named petitioner on bail. Accordingly, the prayer for bail is rejected.

(Sanjay Kumar, J)

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