

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7204 of 2017

Arising Out of PS.Case No. -229 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Jai Shankar Prasad @ Jatashankar, Son of Sadhu Prasad and the cognizance has been taken against one Jata Shankar and the police is trying to arrest the petitioner on that basis, Resident of Village- Sahpur, P.S.- Aurangabad, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. Md. Ashlam Ansari

For the Informant : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-03-2017 The petitioner is apprehending his arrest in connection with Aurangabad Town P.S. Case No. 229/14, registered for offences punishable under Sections 341, 323, 354(B), 506, 509/34 Indian Penal Code and Section 8 of POCSO Act.

It has been submitted on behalf of the petitioner that petitioner has not been named in the F.I.R. rather the F.I.R was lodged against two other co-accused person and only during course of investigation the name of the petitioner transpired in this case. However, the girl in her statement recorded under Section 164 of the Cr.P.C. has not named this petitioner. It has further been submitted that the police has submitted final form in this case not finding the case true against the petitioner, however learned Special Judge, POCSO Act differing with the final form submitted



by the police, took cognizance against the petitioner and issued process against the petitioner under Section 376D, 504, 506, 120B of Indian Penal Code and Section 4, 8, and 10 of POCSO Act.

Heard learned A.P.P. and learned counsel for the informant. Learned counsel for the informant opposed the prayer for bail and drawn the attention of this court to several paragraphs of the case diary and the statement of victim girl recorded under Section 164 of Cr.P.C.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also considering that several paragraphs of the case diary supports the case of the prosecution, as such, I am not inclined to grant the petitioner, the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioner surrenders before the Court below and make prayer for regular bail, the same will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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