

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1561 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -PATEPUR District- VAISHALI(HAJIPUR)
=====

Prabhat Kumar, S/o Ramanand Sahni, resident of village - Marui, P.S.
Patepur, Distt. Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.1569 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -PATEPUR District- VAISHALI(HAJIPUR)
=====

PRINCE KUMAR @ MUKUL ANAND @ MUKUL ANNAD, S/o Badri
Narayan Roy, Resident of village - Marui, P.S. Patepur, Distt. Vaishali at
Hajipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.1561 of 2017)

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

(In Cr.Misc. No.1569 of 2017)

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 20-02-2017 Both the Criminal Miscellaneous are of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

Heard the learned counsel for the petitioners as well

as the learned A.P.P. for the State.



In this application for anticipatory bail the petitioners apprehend their arrest in connection with Patepur P.S. Case No. 80 of 2016 for the offences punishable under sections 366, 366 A and 354/34 of the I.P.C and sections 8, 10, 12 and 18 of the POCSO Act.

Allegedly, when the complainant/informant was returning to her house after purchasing some articles the petitioners caught her from behind and took away after boarding on the motorcycle after causing threats. They tried to perform marriage in the court but considering that the complainant is minor the same was refused and then the complainant was kept at the house of *Phua* of petitioner Prabhat Kumar and there her modesty was outraged.

Submission is of false implication and that Ruby Kumari is major, her date of birth is 01.01.1997 which is evident from the Aadhar Card, vide Annexure-2 to the supplementary affidavit, no offence under POCSO Act is made out and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioners by submitting that during investigation the witnesses have supported the allegation.

In the facts and circumstances as stated above,



considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of the Additional District & Sessions Judge-II, Vaishali at Hajipur.

(Jitendra Mohan Sharma, J)

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