

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28498 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -MAHILA PS District- JAMUI

=====

1. Sajan Kumar Rawat, son of Vishun Rawat, resident of village- Lameh,
Police Station- Barhar, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Nirmala Devi, W/o Rajesh Rawat, resident of village- Kalyanpur,
P.S. and District- Jamui.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brajesh Sahay, Advocate
For the Opposite Party/s : Smt. Sahin Begam, APP
Mr. Amrendra Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 31-07-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

In terms of the order dated 19.07.2017, the petitioner is present in Chambers. The victim girl and her mother have not appeared in spite of specific direction of this Court.

The Petitioner apprehends his arrest in Jamui Mahila P.S. Case No.51 of 2016 instituted for the offence under Section(s) 376, 366-A, 323 Indian Penal Code and Section 3/4 of the POCSO Act pending in the Court of the Additional Chief Judicial Magistrate, Jamui.

As per Complaint Petition, which was sent to P.S. under Section 156(3) Cr. P. C., the petitioner, who is the cousin *Devar* of the daughter of the informant, used to come in her



house and committed rape with the minor daughter of the informant aged about 16 years while she was sleeping on the roof of the house and thereafter told her not to disclose to any body, otherwise, he will kill her. Thereafter, the petitioner took the victim to Gujarat and kept her for seven days and regularly committed rape upon her and when she objected, he used to assault her. The petitioner brought the informant's daughter to Jamui and introduced her with one lady and one male as his aunt and father. When the daughter of the informant told him to marry, they assaulted her and the petitioner fled away from Jamui.

The victim girl has given her statement under Section 164 Cr. P. C., wherein, she has stated her age as 16 years and the Court has assessed her age as 15 years. In her statement, she has levelled specific allegation of committing rape with her upon the petitioner on the pretext of marrying her and that he had taken her to Gujarat.

Learned counsel for the Petitioner has submitted that victim girl was medically examined on 30.07.2016 and the doctor has opined that no definite opinion can be given whether rape was performed or not.

From the statement of the victim girl recorded under



Section(s) 164 Cr. P.C., it is clear that she is minor aged about 16 years. The Court has assessed her age as 15 years. She has levelled specific allegation against the petitioner of committing rape with her on the pretext of marrying her.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

