

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1932 of 2017

Arising Out of PS.Case No. -242 Year- 2016 Thana -BAKHRI District- BEGUSARAI

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Nitish Kumar, son of Tinku Mahto, resident of village Dakshin tola,
Parihara, P.S. Bakhri, District Begusarai

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Randhir Kumar No-1

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-08-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 10.2.2017 passed in A.B.P. No. 137 of 2017 by
Additional Sessions Judge-I-cum-Special Judge, POCSO Act,
Begusarai, arising out of Bakhri (Parihara) P.S.Case No. 242 of
2016 registered for the offences under Sections 376 of the Indian
Penal Code and 3(w) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, including 7/8 of POCSO Act and
for grant of pre-arrest bail to the appellant.

Allegation against the appellant as per FIR is of
making physical relationship with the daughter of the informant on
the assurance of marriage and thereafter when she became
pregnant the informant's side went to complain before the parents



of the appellant and on that they abused and threatened to them with dire consequence.

It has been submitted on behalf of the appellant that he has falsely been implicated in this case and they have married now and one daughter was born and the parties have settled the dispute.

Learned Special P.P. has opposed the prayer for pre-arrest bail of the appellant.

Having heard both sides and considering the facts and circumstances, let appellant surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of materials available on record and pass appropriate order, if possible, on the same day, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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