

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3716 of 2017

Arising Out of PS.Case No. -312 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Jitendra Sah @ Piyush Raj @ Piyush Rai Son of Birbal Sah, Resident of Shyampur, P.S. Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 07-03-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in Kahalgaon P.S. case No.312 of 2016 registered under Sections 376, 323 and 504/34 of the Indian Penal Code and Sections 07/08 of the POCSO Act, pending before the court of Chief Judicial Magistrate, Bhagalpur.

Allegation is that the petitioner by inducing to the informant and giving intoxication used to exploit sexually and made objectionable video.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The



petitioner has falsely been implicated in the present case. The allegation made in the F.I.R. is denied by him. The medical examination report does not support the allegations made in the F.I.R. As per the medical report, the victim is above the age of 18 years. Hence, no offence under the POCSO Act is made out against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The specific allegation of commission of rape is alleged against him. The same has been supported by the victim girl in her statement recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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