

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30419 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -SANHOLA District- BHAGALPUR

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Md. Israil Son of Nazzo @ Nizamuddin Resident of Village- Bari Naki, P.S.
Sanokhar, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 06-02-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with a
case registered under Section 366A of the Indian Penal Code and 4
of the POCSO Act.

Allegation in brief is that this petitioner enticed away
the minor girl of the informant.

Learned counsel appearing on behalf of the petitioner
submits that in fact the girl was major and she voluntarily eloped
with the petitioner but after recovery, she was forcibly induced by
her parents and pressurized her to give statement under Section
164 Cr.P.C. against the petitioner.

It appears that the record shows that the girl was minor



was also carrying pregnancy of ten weeks and according to her statements recorded under Section 164 Cr.P.C., was raped during captivity.

Considering the aforesaid facts and circumstances, I am not inclined to admit the petitioner on anticipatory bail, accordingly, his prayer for anticipatory bail is rejected in connection with Sanhoula P.S. Case No.06 of 2016 pending in the court of 1st Additional Sessions Judge, Bhagalpur.

However, petitioner may surrender before the court below, if so advised and the same shall be considered on its own merit without being prejudiced by this order.

(Arun Kumar, J)

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