

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 5205 of 2017

Arising out of P.S. Case No. - 242 Year - 2016 Thana - MAHILA P.S. District - BHOJPUR

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Sheetal Prasad @ Chhotak Kalwar, Son of Late Shiv Narayan Prasad,
Resident of Village Bara Kharauni, P.S. Bihia, District Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Siddharth Harsh, Advocate

For the Opposite Party : Mr. Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-03-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 376 and 436/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offence (POCSO) Act.

The informant a girl of 13 years alleges sexual abuse of different nature by the petitioner.

Submission of the petitioner is that both sides are neigbaour and there is dispute for *Rasta* between the parties upon which Panchayati had also taken place but the family of the informant is not ready to go by the decision of the Panches. In the past grandmother of the informant had lodged a case of rape against the petitioner. In that case, the petitioner was allowed anticipatory bail with condition that he will not involve any other



criminal case in future and just to send the petitioner to jail, the present case has been lodged.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Bhojpur Mahila Police Station Case No. 242 of 2016 pending in the court of learned 1st Additional Sessions Judge, Bhojpur at Ara.

However, the court below shall consider the prayer for regular bail without being prejudiced by this order because the police had submitted final form in this case. However, cognizance has been taken disagreeing with the police report.

(Birendra Kumar, J)

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