

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37853 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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Jitendra Sharma Son of Upendra Sharma, resident of village - Sanda, P.S. -
Amba, District – Aurangabad. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Santosh Kumar Pandey, Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Aurangabad Mahila P.S. Case No. 10 of 2017 registered for the offence(s) punishable under section(s) 341, 342, 376 of the Indian Penal Code and section 4 of the POCSO Act

The informant has alleged that she is a student of Intermediate and this petitioner since last one year has established illicit relationship with her on the pretext of marrying. On the day of the occurrence, the petitioner took away the victim girl on his motor cycle and kept in a room and forcibly established physical relation with her.

Learned counsel for the petitioner submits that the informant is a major girl, which will appear from the statement of



her uncle who has filed an application and no offence under section 376 of the Indian Penal Code and section 4 of the POCSO Act is made out against the petitioner.

Learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of the F.I.R. and Annexures on record, I find that the victim in her statement made before the Magistrate has specifically alleged that this petitioner after giving false pretext of marrying, established physical relation with her. At the time of recording statement under section 164 Cr.PC, she has disclosed her age as 17 years. The Magistrate, who recorded her statement, has also assessed her age as such.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to grant him anticipatory bail, however if he surrenders before the Court below and make prayer for regular bail, it shall be considered by the Court below without being prejudiced by the order of this Court.

With the above observation/direction, this application is dismissed.

(Sanjay Kumar, J)

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