

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46762 of 2017

Arising Out of PS. Case No.-173 Year-2016 Thana- MAHILA P.S. District- Nalanda

Prithivi Paswan son of Shiv Kumar Paswan, resident of village-Itasang, P.S.
Rahui, Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. SMT SANGEETA SHARMA

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**

ORAL ORDER

2 21-09-2017 Heard both sides.

Prayer is for grant of anticipatory bail in Mahila P.S.Case
No. 173 of 2016 registered under section 376 IPC and section
4/8 of POCSO Act.

It is alleged that the petitioner was studying with the
informant and allured her and established sexual relationship for
several months. Later, he denied to marry.

Learned counsel for the petitioner submits that it was a
case of consensual physical relationship. The victim was
medically assessed as 18-19 years.

Counsel for the State, on the other hand, submits that the
consent, as per the allegation, was obtained by fraud. There is
specific allegation of physically abusing the informant against



the petitioner. The victim has disclosed her age as 16 and a half years.

Considering the nature of allegation and the material reflecting from the records, I am not inclined to grant anticipatory bail to the petitioner. Prayer is rejected.

(Kishore Kumar Mandal, J)

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