

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55604 of 2017

Arising Out of PS.Case No. -31 Year- 2016 Thana -JOGBANI District- ARRARIA

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1. Md. Firoz S/o Md. Mazir, R/o Village- Ragmara, P.S.- Forbesganj,
District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Jogbani P.S. Case No. 31 of 2016 corresponding to Special Case No. 08 of 2016 instituted for the offence under Sections-376, 384, 385, 420, 120B of the Indian Penal Code and Sections-3/4 of POCSO Act.

In the written report, there is specific allegation against this petitioner of committing rape with minor daughter of the informant. The victim has given statement u/S 164 of the Cr.p.C. wherein also she has levelled specific allegation against this petitioner of committing rape with her. She has stated her age to be 13 years and the court below has also assessed her age to be 13 years. As such, the girl was minor.

It has been submitted that the doctor has found no injury on private parts of her body during medical examination.

As per written report, the occurrence is said to have taken



place on 17-02-2016 and the medical examination was done on 22-03-2016 after delay of about one month.

As such, this court does not find it a fit case for grant of anticipatory bail. Accordingly, prayer for anticipatory bail is rejected.

The petitioner is directed to surrender in the court below and seek regular bail which will be considered by the court in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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