

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23015 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -MAHILA PS District- GAYA

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1. Dharmendra Kumar, son of Pramod Yadav, resident of Village-
Chadariya, P.S.- Maigra, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priti Kumari, daughter of Sri Raj Kumar Yadav, resident of Village-
Chandariya, P.S.- Maigra, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in POCSO Case
No. 07 of 2017 arising out of Mahila P.S. Case No. 04 of 2017
initiated for the offence under Sections-376/34 of the Indian Penal
Code and Section-4 of POCSO Act.

As per written report, this petitioner committed rape
with the informant aged about 13 years. The petitioner also took
the victim girl to the house of his friend and he also committed
rape with her.

The statement of victim was recorded u/S 164 of the
Cr.P.C. in which, she has stated her age as 13 years. The
court has assessed her age as 13 years. The informant has



levelled specific allegation against the petitioner of committing rape with her.

Counsel for the petitioner submitted that the victim girl has filed a petition in the court below on 22-02-2017 that compromise has taken place between the parties.

This court is of the opinion that filing of compromise petition is not a ground for grant of anticipatory bail.

Taking into consideration the allegation levelled against the petitioner, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail, which will be considered and disposed off in accordance with law on the same day on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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