

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3633 of 2017

Arising Out of PS.Case No. -607 Year- 2016 Thana -ARARIA District- ARARIA

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1. Fatkan Sah, son of Ramanand Sah, resident of village- Mahesakol,
Police Station- Araria, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate
For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP
For the Informant : Mr. Md. Naushaduzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 14-02-2017 Heard learned counsel for the Petitioner and the
State as well as the Informant.

The Petitioner apprehends his arrest in Araria P.S.
Case No.607 of 2016 instituted for the offence under Section(s)
376, 341, 323, 504/34 Indian Penal Code and Sections 5, 6 and 8
of the POCSO Act pending in the Court of the 1st Additional
Sessions Judge, Araria.

There is allegation against this petitioner of
committing rape with the victim girl-informant after taking her in
the room.

Statement of the victim girl was recorded under
Section 164 Cr.P.C., wherein, she has levelled specific allegation
against the petitioner of committing rape with her. She has stated



her age as 16 years in her statement recorded under section 164 Cr. P. C., whereas, the Court has assessed her age as 15 years. The alleged occurrence took place on 20.08.2016 and the girl was medically examined on 15.09.2016, wherein, the doctor has stated that no injury was found on her body or private part, but there is delay in examining the victim girl.

In view of such, when there is direct allegation against the petitioner of committing rape, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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