

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53402 of 2017

Arising Out of P.S.Case No.149 Year- 2017 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Abhishek Kumar Son of Sanjay Paswan Resident of village- Sain, P.S.
Vaishali (OP Belsar), District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-11-2017

Heard.

2. The petitioner apprehends arrest in connection with Vaishali (Belsar) P.S.Case No.149 of 2017 pending in the Court of Special Judge, POCSO-cum-Ist ADJ, Vaishali at Hajipur registered for an offence punishable under Sections 376 and 120B of the IPC and Sections 4/6/8/10 of POCSO Act.

3. The allegation as per written report submitted to SHO of Belsar OP, district-Vaishali is that this petitioner abducted the informant and took her at the place of his Mausi (mother's sister) where he attempted to establish physical relation. On the following day, he established physical relation giving assurance to marry her. Thereafter he brought the victim at his place where his members abused the victim and attempted to press her neck. This petitioner and his family members refused to accept the informant as the wife of petitioner.



4. Learned counsel for the petitioner submits that the informant is a major girl and she voluntarily went with the petitioner on his motorcycle. The petitioner has married the victim and is willing to keep the informant as his wife. He further submits that she was consenting party to the intercourse and so no offence under Section 376 of the IPC is made out.

5. The learned APP opposed the submissions.

6 On perusal of FIR and documents available on record, I find that there is specific allegation that he with the help of other co-accused abducted the informant by his motorcycle and committed rape repeatedly on several occasion against her wish. The victim was produced before Magistrate for her statement under Section 164 Cr.P.C. and while giving her statement she disclosed her age as 15 years. Learned Magistrate has also assessed her age as such. In her statement, she has categorically stated about the manner of her abduction and forceful intercourse at different places by the petitioner.

7. Considering the specific allegation of rape on a minor girl, I am not inclined to grant him anticipatory bail. Prayer is rejected.

(Sanjay Kumar, J)

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