

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12163 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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Jaykant Kumar, son of Sri Nand Kumar Singh @ Bhuto Singh, resident of
Village- Bahuarba, P.S.- Salkhua, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Diwakar Prasad Singh, Advocate.

For the Opposite Party : Mr. Umanath Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-04-2017 Heard both sides.

The petitioner seeks bail in Special [POCSO] Case No. 24 of 2016, corresponding to Saharsa Mahila P.S. Case No. 47 of 2016, registered for the offence punishable under Sections 376, 323 and 504 of the Indian Penal Code.

The victim alleged that the petitioner on pretext of marriage established physical relationship with her, but the petitioner refused to marry. The victim was pregnant. The victim was medically examined and the doctor found age of the victim below 18 years. The victim disclosed her aged to be 14 years and the court also assessed her age to be 14 years.

Learned counsel for the petitioner submits that the victim was a consenting party. Let the DNA test be held and if the



DNA of the child matched with the DNA of the petitioner, the petitioner is ready to keep the victim.

Considering the facts aforesaid and the fact that the victim who is a minor made very specific allegation against the petitioner that on pretext of marriage he established physical relationship with the victim, I am not inclined to enlarge the petitioner above named on bail.

Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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