

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61958 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- NADI P.S. District- Patna

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Kundan Kumar, Son of Kedar Sahni, Resident of Mohalla-Sammaspur, P.S.-
Nadi, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Section 376/34 of the IPC and
Section 4/6 of POCSO Act.

The prosecution case as per the written report of Rupa
Kumari submitted to the S.H.O., Nadi Police Station is to the
effect that on 02.06.2018 at about 07.00 P.M., the informant was
talking with her sister on mobile phone and her mobile phone
got discharged. In the meantime, the petitioner, who is
neighbour of the informant asked the informant to get her
mobile phone charged by putting it on charging in his own
house. Thereafter, when the informant went the petitioner's
house to get her mobile phone back then the petitioner ravished
the informant.



It is submitted by the learned counsel for the petitioner that from the narration of the informant in the FIR suggests that there is a consent between the parties.

Considering the nature of accusation particularly by a minor girl, this Court is not inclined to entertain the prayer for anticipatory bail of the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of six weeks, in connection with **Spl. (POCSO) Case No. 103 of 2018** arising out of **Nadi P.S. Case No. 87 of 2018**, pending in the Court of learned **Additional District and Session Judge, 1st-cum-Spl. Judge POCSO, Patna.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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