

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28682 of 2018**

Arising Out of PS.Case No. -254 Year- 2017 Thana -BAUSI District- PURNIA

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Munna Sharma @ Katika, S/o Ram Prasad Sharma, R/o Vill.- Shadipur,  
Bhutaha, P.S.- Baisi, District- Purnea.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4      31-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Special Case No. 100 of 2017 arising out of Baisi P.S. Case No. 254 of 2017** instituted for the offence under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

In the written report it is alleged that while the informant had gone to work in the field, his daughter was alone in the house. When the informant returned his daughter complained him that petitioner committed rape with her.

The statement of victim girl recorded under Section 164 Cr. P.C. has been enclosed as Annexure-3 wherein she has stated her age as 15 years and the court below has assessed her age to be 16 years. The victim girl in her 164 statement has stated that



petitioner has committed rape with her on the date of occurrence.

Learned counsel for the petitioner has submitted that there is delay of one month in filing the complaint. In the medical report, the age of victim girl has been assessed between 18-19 years.

Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that all witnesses in the case diary have supported the case of the prosecution. The victim girl in her statement under Section 164 Cr. P.C. has supported that the rape has been committed by the petitioner. Witnesses have stated in the case diary that *Panchayti* was held in the village.

Therefore, this court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which will be considered by the court below in accordance with law without being prejudiced by this order, if possible on the same day.

**(Sanjay Priya, J)**

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