

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9364 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Sahil Ansari @ Guddu Son of Mainuddin Ansari Resident of Village-
Parasia, P.O +P,S. Kochas District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Kochas P.S. Case No.177 of 2017, a case under Section 376D of
the Indian Penal Code, Section 4/6 of the POCSO Act and Section
66 of the I.T. Act, pending in the Court of 1st Additional Sessions
Judge, Rohtas at Sasaram.

According to FIR, the petitioner allegedly sexually
exploited to the informant on the pretext of marriage. On the
alleged date of occurrence the petitioner asked the informant to
have physical relation with his friends otherwise the petitioner
would make her naked photographs viral.

Submission of the learned counsel for the petitioner is



that in the FIR the offence has been alleged under Section 376D of the Indian Penal Code, which is not applicable because there is no allegation of commission of gang rape. The victim was found aged about 19 years. Hence, offence under the provisions of POCSO Act is not applicable. The petitioner is in custody since 16.11.2017 and has got no criminal antecedent. The matter is of consensual sex. Hence, offence under the aforesaid section is not attracted. He further submits that other co-accused have already been allowed bail by this Court.

Considering the entire allegation against the petitioner, in my view, the petitioner intentionally induced the victim to do or omit to do which was likely to cause damage or harm to the victim's life and property, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail is refused. The petitioner may renew prayer for bail before the learned trial Court after framing of the charge or after six months whichever is earlier.

(Birendra Kumar, J)

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