

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23311 of 2018

Arising Out of PS.Case No. -34 Year- 2017 Thana -SAKSOHRA District- PATNA

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Gaurav Kumar @ Bittu Kumar, Son of Sri Dharmendra Kumar, Resident of
Village-N.H.-31 Kabirmath, Kazidhak, Police Station-Barh, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Spl.
POCSO No. 155/2017, arising out of Saksohra P.S.Case No. 34 of
2017 registered for the offences punishable under Sections 376,
307 of the Indian Penal Code and Section 6 of POCSO Act, 2012.

Allegation against the petitioner is of committing rape
upon the daughter of informant, who happens to be minor.

Submission of learned counsel for the petitioner is that
the victim girl was major which will appear from the Aadhar Card
and I.Card (Annexures-3 and 2). Further submission is that neither
the statement of the victim girl was recorded under section 164
Cr.P.C nor she was examine by medical board and false and
concocted case has been lodged with a view to create pressure for



marriage of the petitioner with a victim girl.

Heard learned APP also, who has opposed the prayer for anticipatory bail of the petitioner stating that there is allegation under section 376 I.P.C. as well as under the POCSO Act.

Having heard both sides and in the facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner, rather petitioner should surrender and make prayer for regular bail, which shall be considered on the basis of the above submission as well as the materials available on record.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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