

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24762 of 2018

Arising Out of PS.Case No. -77 Year- 2017 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Chunmun Kumar Pal S/o Shiv Kumar Pal, R/o Vill.- Marojhiyan, P.S.- Nasriganj, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-05-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection with Mahila P.S.Case No. 77 of 2017, registered for offences punishable under Sections 376, 504/ 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The allegation against the petitioner is of committing the rape on the pretext of marriage with the informant and thereafter he has not married with her and a Panchayati was held in which the petitioner assured her to marry with her and fixed the date when she will obtain her majority.

Submission of the learned counsel of the petitioner is that she is not minor and all allegations against the petitioner is



false and concocted and the victim girl was examined under Section 164 of Cr. P. C. in which the age of the victim girl has assessed to be of 17 to 18 years.

Learned Additional Public Prosecutor opposes the prayer for bail.

Having heard both sides and in view of the fact that the statement of the victim girl recorded under Section 164 Cr.P.C., this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrenders in the Court below within four weeks and makes prayer for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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