

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40367 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -MAHILA P.S. District- PATNA

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1. Ashish Kumar @ Hatu Sharma, son of Abhay Sharma @ Abhay Kumar,
Resident of village- Kaili, P.S. Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 25-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Mahila P.S. Case No.43 of 2016** instituted for the offence under Section(s) 376 Indian Penal Code and Section 6 of the POCSO Act pending in the Court of the **Additional Sessions Judge, 1st, Patna.**

As per prosecution case, petitioner took the five years old daughter of the informant to his house while she was coming from school and after pulling her *Paint* committed illegal act with her. The girl came back to her house weeping and became unconscious.

Statement of the victim was recorded under Section 164 Cr. P. C., which is annexed as Annexure-3, wherein, she has



stated that while she was returning from school, this petitioner on the pretext of giving her Chocolate took her with him and committed illegal act with her. The victim girl has stated her age as 5 years and the Court has also assessed her age as 5 years.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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