IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61434 of 2017

Arising Out of PS.Case No. -414 Year- 2017 Thana -BEGUSARAI MUFFASIL District- BEGUSARAI

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1. Dularchand Kumar age about 23 Years, S/o Deepak Paswan, R/o Rajadumri, P.S.- Muffsil (Lakho), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shama Sinha, Advocate
For the Informant : Mr. Manoj Kumar, Ms. Aishwarya Shree, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Muffasil P.S. Case No. 414 of 2017 (POCSO Case No. 52 of 2017) instituted for the offence under Sections 376 of the IPC and Sections 5,6,7,8 of POCSO Act.

There is allegation in the written report that while the minor daughter of the informant was alone in the house, this petitioner entered into the house of the informant and committed illegal act with her daughter. The alleged occurrence has been seen by the *jaidhi* of the informant namely Komal Kumari. Thereafter, the victim was brought to the doctor in a private clinic.

Learned APP for the State duly assisted by learned

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counsel for the informant has submitted that the victim girl in her statement under Section 164 Cr.P.C. fully supported the allegation against the petitioner. The case diary has been received, wherein, the victim girl in her statement in para 3 and 22, has leveled specific allegation of committing illegal act against this petitioner.

Learned counsel for the petitioner has submitted that in her medical examination report, it has been stated that the hymen of the victim girl was found intact.

From the medical report it appears that the doctor has assessed the age of the girl between 11-12 years.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, this petition stands rejected.

(Sanjay Priya, J)

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