

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40571 of 2018

Arising Out of PS.Case No. -91 Year- 2018 Thana -ALOU LI District- KHAGARIA

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1. Nirmal Paswan, S/o Patilal Paswan, Resident of Village- Sumha
Gajighat, Tola- Marain, P.S.- Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Alauli P.S.Case No.91 of 2018 registered for offences punishable
under Sections 376/511 of the Indian Penal Code and Section 18
of POCSO Act.

Allegation against the petitioner is that he entered inside the
house and tried to commit rape upon the daughter of the informant
who is minor.

Submission of the learned counsel for the petitioner is that
prior to lodging of the present case he had lodged a case against
the informant and others on 19.3.2018 and as such the present case
has been lodged on 22.3.2018 and there is delay of five days in
lodging the FIR.



Heard learned A.P.P. and the learned counsel for the informant. They have submitted that the case lodged by the petitioner is found to be false in the supervision note and the girl in her statement under Section 164 Cr.P.C. has supported the prosecution case. The case is under the POCSO Act also. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner rather let the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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