

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.15464 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- SONEPUR District- Saran

Md. Akbar @ Akbar Mian, aged about 26 years, (Male), Son of Md. Imran
Resident of Village- Kharika, P.S.- Sonepur, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-03-2019 Heard learned senior counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376(1) and 120(B) of the Indian Penal Code and Section 3/16 of the POCSO Act registered in connection with Sonepur P.S. Case No. 330 of 2018.

3. It is submitted that the petitioner has been falsely implicated as the thrust of accusation is against co-accused Arman. The petitioner has been implicated merely because the occurrence had taken place at his house in his absence. Co-accused Nausad Miya @ Naushad Mian has been granted anticipatory by a coordinate Bench of this Court vide order dated 28.09.2018 passed in Cr. Misc. No. 54378 of 2018. The petitioner claims clean antecedents.

4. On perusal of the aforesaid order passed therein, it transpires that in medical examination, the age of the informant has been assessed in between 15-16 years.

5. Having regard to the nature of accusations, gravity of offence alleged as well as the statement of the informant recorded



under Section 164 of the Cr.P.C. making the accusation against the petitioner, I am not persuaded to take a similar view as in the case of Nausad Miya @ Naushad Mian. The anticipatory bail petition stands dismissed.

BT/-

(Vikash Jain, J)

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