

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79518 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- JOGBANI RAIL P.S. District- Katihar

Gopi Kuli S/o Late Bhola Mian R/vill-Saira Nagar @ Sayra Nagar
Forbisganj,P.S-Forbisganj,Distt.-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Sri Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-03-2019 This application, for grant of anticipatory bail, arises out of Katihar (Jogbani) Rail P.S. Case No. 19/2018, disclosing offences under Sections 376(A-B) of the Indian Penal Code and Section 4/8 of POCSO Act.

Allegation against the petitioner is of committing rape on the minor daughter of the informant aged about 3 years.

Submission of learned counsel for the petitioner is that the statement of girl is not believable as to how, she identified the petitioner being only three years old. Furthermore, later on the informant has not supported the case of prosecution.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances and the nature of allegation as well as the statement of girl recorded under Section 164 Cr.P.C., I am not



inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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