

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41401 of 2019**

Arising Out of PS. Case No.-23 Year-2019 Thana- SATHI District- West Champaran

BANARSI SAH Son of Late Jamuna Sah Resident of Village- Babhta, P.S.-
Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 19-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Sathi P.S.Case No.23 of 2019 dated 2.3.2019 registered for offences punishable under Sections 376 and 506 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

Allegation against the petitioner, who happens to be grand father of the victim girl, is of having sexual relationship with her due to which she became pregnant and informed her parents.

Learned counsel for the petitioner drawing my attention towards her statement recorded under Section 164 Cr.P.C. has submitted that her statement was recorded in presence of his father, which is against the provisions of law and further submission is that there was enmity between the parties with respect to property dispute and due to that he has been



implicated in this case. Petitioner is aged about 64 years.

Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail on the ground that the girl in her statement under Section 161 of the Cr.P.C. has also supported the prosecution case and in the medical examination she was found carrying pregnancy of 24 weeks..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, if the petitioner surrenders and pray for regular bail, the same shall be considered on the basis of materials available in the case diary as well as other materials made available by the petitioner and considering the same his prayer for bail shall be disposed of if possible on the same day.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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