

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78151 of 2018

Arising Out of PS. Case No.-159 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Sahzada @ Sahzada Khan S/o Nasim, R/o Vill.- Sarimpur, P.S.- Buxar
Industrial Area, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-01-2019 This is an application for grant of anticipatory bail in connection with Buxar Industrial Area P.S. Case No. 159 of 2018, disclosing offences under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

Allegation against the petitioner is of committing sexual intercourse with the informant, who is minor, aged about 16 years.

Submission of learned counsel for the petitioner is that as a matter of fact the father of the petitioner was brutally assaulted by the members of the prosecution party and for that he has lodged a case against the informant and others, which is Annexure-2 to this application and thereafter to save their lives, the informant and others have filed the present case against the petitioner.



Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for anticipatory bail of petitioner stating that the girl was minor, which appears from the report of medical board also and the doctor has also found the hymen ruptured.

Having heard both sides, in view of the above facts and circumstances and also considering the fact that the girl is minor, I am not inclined to grant anticipatory bail to the petitioner, rather he should surrender and make prayer for regular bail, which will be considered on its own merit, without being prejudice by order of this Court.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Amjad/-

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