

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55103 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- KORHA District- Katihar

Md. Tamjit Son of Md. Hakim @ Abdul Hakim Resident of Village - Raksi
(Madhura), P.S.- Korha, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 27-11-2019 Supplementary affidavit is filed on behalf of the
petitioner. Let it be kept on record.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 341, 323, 504, 506/34
of the Indian Penal Code and 4 of POCSO Act.

There is allegation that petitioner established physical
relation with informant's minor daughter who subsequently,
became pregnant.

Learned counsel appearing for the petitioner submits
that victim has, herself, given notary affidavit claiming herself
to be major and, therefore, it is wrong to say that the victim was



minor at the time of alleged occurrence. He further submits that moreover, there is inordinate delay in lodging the present case and as a matter of fact, the victim was a consenting party.

The perusal of first information report goes to show that the informant disclosed the age of victim as 14 years and in medical examination, the victim was found between 14 to 16 years and, therefore, it appears that victim was minor at the time of alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Korha P.S. Case No. 166 of 2019 stands rejected.

(Hemant Kumar Srivastava, J)

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