

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 72158 of 2019**

Arising Out of PS. Case No.-55 Year-2019 Thana- NAUHATTA District- Saharsa

GAURAV SADA Son of Rajendra Sada Resident of Village - Bhattarahi, P.S.-
Nauhatta, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Prevention of Children from Sexual Offences Act (for brevity, *POCSO Act*) arising out of Nauhatta Police Station (for brevity, *PS*) Case No 55 of 2019 dated 15.05.2019 instituted for the offence under Section(s) 363, 366A/34 of Indian Penal Code and Sections 8/12 of POCSO Act.

It is submitted by the petitioner's counsel that it is out and out a false case. The statement of the victim recorded under Section 164 of Criminal Procedure Code (for brevity, *Cr P C*) shows that she has been returned by the family members of the petitioner and, therefore, no case of kidnapping would be made



out.

Learned APP for the State submits that bare perusal of the statement of victim under Section 164 of Cr P C shows that the victim has in fact supported the allegations against the petitioner. The victim girl has claimed to be 11 years old in her statement. Specific allegation under the POCSO Act are made out on the basis of the statement of the victim recorded under Section 164 of Cr P C.

Considering the aforesaid submissions, this Court is not inclined to grant privilege of bail to the petitioner for the present. Prayer is rejected.

(Madhuresh Prasad, J)

M.E.H./-

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