

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19419 of 2022**

Arising Out of PS. Case No.-47 Year-2021 Thana- SARAIYA District- Muzaffarpur

AKASH Son of Shivji Sahni R/o Village - Bahilwara Bhual Uttari, Post -
Bahilwara, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Raju Kumar, Advocate

For the Opposite Party : Mr.Jai Narain Thakur, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in registered for the offences punishable under Section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, petitioner enticed the 17 years old informant and took her to to a deserted place and forcibly made physical relation due to which she gave birth to a child.

Learned counsel for the petitioner submits that the victim is a married lady and she is living happily with her husband and with a view to harass the petitioner she has lodged the present false case against him. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for



bail submitting that there is specific allegation against the petitioner that he forcibly made physical relation with the victim due to which she gave birth to a child.

Considering the specific allegation against the petitioner, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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