

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42655 of 2021**

Arising Out of PS. Case No.-149 Year-2019 Thana- SINGHIYA District- Samastipur

RANDHIR KUMAR PASWAN @ RANDHIR PASWAN Son of Laxman
Paswan @ Lachhman Paswan @ lakshaman Paswan Resident of Village
Baluaha, Jahingirpur Lagma, P.S. Singhia, District Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 04-07-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in connection with
Singhia P.S. Case No. 149 of 2019, registered for the offences
punishable under Sections 376/313/315/34/120(b) of the Indian Penal
Code and Section 4 of Protection of Children from Sexual Offence
Act, 2012.

Prosecutrix is a minor girl. She lodged FIR stating therein
that the petitioner, at the pretext of marriage sexually exploited her
for one year and when she became pregnant the accused persons
named in the FIR forcibly got her pregnancy terminated by Dr. Dipak
Sharma. There is also allegation against the petitioner and other



accused persons that they assaulted the informant.

Learned counsel for the petitioner has submitted that the petitioner and prosecutrix are agnates. The age of prosecutrix is seventeen and half years and there is also land dispute between the family of prosecutrix and father of the present petitioner. Further submission is that both the parties have compromised the case.

The prosecutrix is admittedly a minor girl. Section 376 of the IPC as well as POCSO Act has also mentioned in the FIR. As per allegation, the petitioner not only sexually exploited the prosecutrix but also get her pregnancy aborted. As such, the petitioner does not deserve the privilege for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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