

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53670 of 2021

Arising Out of PS. Case No.-73 Year-2019 Thana- DHAMDAHA District- Purnia

Md Aman Son Of Hafijur Rahman Resident Of Nirpur, P.S- Dhamdaha, Dist-
Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-03-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks.

Learned counsel for the petitioner is permitted to make
necessary correction in paragraph 1 of the application in course of
the day.

The petitioner is apprehending his arrest in Dhamdaha P.S.
Case No. 73 of 2019 registered under Sections 341, 347, 377,
120(B), 34 of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution allegation, in short, is that the accused
persons committed unnatural offence with the informant who is a
minor.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The case has been instituted after two days of the alleged occurrence. As per the medical examination report, the age of the victim is said to be 19-20 years. Hence, no offence under POCSO Act is attracted in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. Five persons including the petitioner is alleged to have committed offence under section 377 of I.P.C. As per the medical examination report of the victim, it suggests that there are injury on the private part of the victim. The doctor opined that unnatural sex was performed upon the victim.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. Prayer is rejected. However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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