

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54446 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- PANDARAK District- Patna

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Avinash Kumar Son Of Ram Narayan Singh R/O - Bihari Bigha, P.S.-
Pandarak, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Om Prakash Sah Son Of Late Bipin Sah R/O Village- Bihari Bigha, P.S.-
Pandarak, District- Patna

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-05-2022 Heard counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner has come before this Court for
quashing of the FIR of Pandarak P.S. Case No. 17 of 2021
registered under sections 377/355 of the Indian Penal Code and
Section 4 of the POCSO Act.

The prosecution case is that the informant, Om
Prakash Sah, lodged a written report to Officer in Charge of
Pandarak P.S. which was registered as Pandarak P.S. Case No.
17 of 2021 dated 2.3.2021 under sections 377/355 of the Indian
Penal Code and Section 4 of POCSO Act against the petitioner



alleging therein that on 1.3.2021 his son Raunak Kumar, aged about 12 years after purchasing articles was returning home. The petitioner herein on the pretext of dropping him to his house took him on his motorcycle. He took Raunak in a field and committed oral sex.

Taking into account the allegation that has been levelled against the petitioner in the FIR, a prima facie case is made out against this petitioner.

This Court is thus not inclined to grant any relief to him.

The quashing application under section 482 of the Cr.P.C. is hereby dismissed.

(Rajiv Roy, J)

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