

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9929 of 2023

Arising Out of PS. Case No.-392 Year-2021 Thana- TEKARI District- Gaya

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1. ABHAY KUMAR SINGH @ ABHAY KUMAR Son of Parsuram Singh R/v- Wajitpur Kala, P.S.- Tekari, District- Gaya
 2. DHARMENDRA KUMAR SINGH @ DHARMENDRA SINGH @ DHARMENDRA KUMAR Son of Bal Ram Singh @ Bali Ram Singh R/v- Wajitpur Kala, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. PRAMILA DEVI Wife of Surendra Singh R/v- Wajitpur Kala, P.S.- Tekari, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-02-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

This application has been filed for quashing the order dated 08.08.2022 passed by learned Exclusive Special Judge-POCSO-cum-Additional Sessions Judge-VII, Gaya in POCSO Case No. 57/2022 arising out of Tekari P.S. Case No. 392/2021 dated 07.08.2021 by which cognizance has been taken under Section 341, 323, 504, 506 and 376 of the IPC and Section 4 and 17 of the POCSO Act.

The prosecution story in short is that “on 01.08.2021 at 12 PM noon when the daughter of the informant returned



from Tekari Bazar the accused Parsuram Singh took the minor girl of the informant in the dilapidated house situated the bank of river, tied the hand of the her daughter and put clothes in her mouth and committed rape with her and accused also threatened that he would killed the family members of the victim if the victim discloses the occurrence. On 06.08.2021, accused Parsuram Singh again entered into the house and tried to commit rape with the victim and thereafter informed the informant about occurrence and informed the informant upon about the prior occurrence open which the family members of the informant were informed by the informant on telephone. Thereafter who advised the informant to give an application before police station. Thereafter the informant along with her husband and her daughter were going to the police station but in the way Balram Singh, Dharmendra Singh and Abhay Kumar Singh took them to their house where abused and threatened them with Gun, *Lathi* and *danda* and also threatened him of dire consequence. After hearing Hulla Nawal Kumar Singh son of Muneshwar Singh who is son of cousin *Bhaisur* of the informant came there and try to advise the accused persons then accused persons also abused him and threatened him to dire consequence.”



The petitioner wants acquittal at the stage of cognizance in a case registered under Sections 341, 323, 504, 506 and 376 of the I.P.C. and Section 4 and 17 of the POCSO Act.

In view of the law laid down by the Supreme Court in the case of *Neeharika infrastructure pvt Ltd. V. State of Maharashtra and others (2020) 10 SCC 118*, this application is dismissed.

Accordingly, this application is dismissed.

(Sandeep Kumar, J)

Shishir/Vikas

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