

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.267 of 2022

Arising Out of PS. Case No.-377 Year-2019 Thana- GAYA MUFASIL District- Gaya

Chhotu Kumar @ Subham @ Subham Singh Son of Harendra Kumar Singh
Resident of Mohalla- Lakhibagh, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Law Secretary, Deptt. Of Law, Govt. Of Bihar, Patna.
2. The Principal Secretary, Department of Law, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 11-04-2023

Learned counsel for the petitioner and learned
counsel for the State present.

The present criminal writ application has been filed
in the nature of “*certiorari*” for quashing the F.I.R. *i.e.* Muffasil
(Gaya) P.S. Case No. 377 of 2019 lodged under Section 376(D)
of the I.P.C. read with Sections 4 and 6 of the POCSO Act, 2012
and also to quash the proceedings of POCSO Case No. 81 of
2019.

Counsel for the petitioner submits that the filing
and continuation of the case against the petitioner under POCSO
Act is basically abused to the process of the Court, due to the
reasons mentioned therein in the criminal writ petition.

Counsel submits that the age of alleged victim is

more than 18 years. In this case, trial has bifurcated and for the trial which is not for the petitioner rather for other accused persons, the victim has adduced evidence as PW-3 and absolutely denied the basic factual matrix of the case itself. Counsel submits that the name of the petitioner has come in this case only on the instance of his unknown enemies.

In a case which is lodged under Section 376(D) and POCSO Act has been added, trial has commenced for another accused persons for POCSO Act.

This Court is of the view that it is not a fit case for quashing of F.I.R. for the petitioner, therefore, this criminal writ petition is hereby dismissed but liberty is hereby granted to the petitioner that he may raise all those points which he has raised in the criminal writ petition at the appropriate stage of trial before the appropriate authority.

With this direction, the present criminal writ application stands disposed off.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	