

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16765 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- MAIN P.S. District- Gaya

ANIL KUMAR @ ANIL SHARMA Son of Late Ram Deni Sharma @ Late Deni Sharma Resident of Village - Turi, Pai Bigha, P.S.- Main, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruchi Kumari Daughter of Awadhesh Sharma Resident of Village - Chathata, P.S.- Main, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Tiwari
For the Informant	:	Mr. Anil Kumar Sinha
For the Opposite Party/s	:	Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

This application has been filed for quashing the order dated 17.10.2022 passed by Exclusive Special Judge, POCSO-cum-Additional Sessions Judge VII, Gaya in POCSO Case No. 91 of 2022 arising out of Main P.S. Case No. 86/2021 by which the learned court below was pleased to take cognizance of the offence under Sections 354/354B/366-A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act against the petitioner and two others in the aforesaid case.

Mr. P.N. Shahi, learned Senior Counsel for the petitioner has vehemently argued the case and has taken the



Court to all the records available in this case.

This court is not satisfied with the argument made by Mr. P.N. Shahi, learned Senior Counsel.

All the materials which are being argued by learned counsel for the petitioner for quashing the order taking cognizance are materials which can be examined only during the trial.

Considering the facts and circumstances of the case and also the fact that the victim is 17 years of age, this application is dismissed.

However, the petitioner is at liberty to raise all the grounds at the stage of framing of charge and if such an application is filed, the same shall be considered on its own merit without being prejudiced by the fact that the petitioner has approached this Court at the stage of the cognizance, but could not succeed.

(Sandeep Kumar, J)

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