

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42891 of 2022

Arising Out of PS. Case No.-112 Year-2019 Thana- MAHILA P.S. District- Patna

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RAUSHAN KUMAR Son of Ambendra Kumar Resident of Village -
Kumhrar Gumti , Bachaspatti Nagar, P.S.- Bahadurpur, Distt.- Patna. (Bihar)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2023 Heard the parties.

This application has been filed for quashing the order dt. 23.6.2020 passed by the learned Addl. District & Sessions Judge 1st, Patna in Special (POCSO) Case No. 106/2020 arising out of Mahila P.S. Case No. 112/2019, registered for the offences under Sections 376/420/313/34 of the Indian Penal Code whereby and whereunder the court below took cognizance under Section 4 of the POCSO.

The prosecution case in short is that the petitioner is alleged to have established sexual relationship several times on the false promise of marriage. The informant became pregnant and she was aborted later on.

The petitioner will file an application before the Special Court at the time of framing of charge raising this specific plea that various offences under the POCSO Act are not made out against the petitioner as the age of the petitioner as



contended by him is not below 18 years.

If such an application is filed, the Special Judge, is obliged to consider the same in accordance with law and in view of the law laid down in by the Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar* reported in (2022) 9 SCC 577.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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