

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41 of 2023**

Arising Out of PS. Case No.-331 Year-2021 Thana- BIRPUR District- Supaul

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1. DILEEP KUMAR Son of Late Ram Sewak Das Resident of - Birpur, Ward No. 1, P.S- Birpur, Dist- Supaul
 2. Suraj Kumar @ Kanhaya Kumar Son of Sri Kishun Sah Resident of - Birpur, P.S- Birpur, Dist- Supaul
 3. Alok Kumar Karn Son of Sri Madhav lal Karn Resident of - Birpur, Koshi Colony, Ward No. 1, P.S- Birpur, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Punam Devi Wife of Sri Umesh Mandal Resident of - Birpur, Ward No. 3, P.S- Birpur, Dist- Supaul
3. Sri Baban Singh Son of Sri Chandra Kishore Singh Resident of - Birpur, House No. F-57, Ward No. 3, P.S- Birpur, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-07-2023

Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 22.02.2022 passed by learned A.D.J.-VI cum-Special Sessions Judge of POCSO, Supaul, in connection with Birpur P.S. Case No. 331 of 2021, by which, learned Judge has taken cognizance under Sections 376(DB)/511,354,354(B)/34 of the Indian Penal Code as well as Sections 8, 12, 6/18 of the POCSO Act.

The defence of the petitioner cannot be considered at the stage in case of POCSO Act. The girl is aged about 10 years.



Accordingly, this application is dismissed.
The trial is directed to be expedited.

(Sandeep Kumar, J)

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