

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1514 of 2019

Arising Out of PS. Case No.-977 Year-2016 Thana- BIHTA District- Patna

RAKESH KUMAR GIRI @ ARYAN KUMAR @ ARYAN Son of Late Lalan
Giri Resident of Village - Sirampur Tola, Post. office- and P.S.- Bihta, Distt.-
Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Home Secretary Bihar, Patna.
2. Rajesh Kumar Singh Son of Sri Chandeshwar Singh Resident of Village -
and P.o.- Raja Gaon Kharauni, P.S.- bashdih, Distt.- Balia, State- U.P.,
Present C/o Munna Pandey Residence of Village Surya Mandir Road
Sirampur Post office and P.,S.- Bihta, Dist.- Patna.
3. Abhisarika Kumari @ Sakshi D/o Sri Rajesh Kumar Singh Resident of
Village - and P.o.- Raja Gaon Kharauni, P.S.- bashdih, Distt.- Balia, State-
U.P., Present C/o Munna Pandey Residence of Village Surya Mandir Road
Sirampur Post office and P.,S.- Bihta, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar
For the Respondent/s : Mr. Sheo Shankar Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-04-2023 Heard learned counsel for the parties.

This application has been filed for quashing the order
dated 20/09/2019 passed by learned Additional Sessions Judge-
VII, Danapur District-Patna in Sessions Trial No. 553 of 2019
(Arising out of Bihta P.S. Case No. 977/2016) for the offence
under Sections 363/366 (A) of the Indian Penal Code and
further for quashing the F.I.R. as well as entire proceeding of the
petitioner.

As per prosecution informant gave an application



before S.H.O. Police Station Bihta under District-Patna stated that her daughter namely Abhisarika Kumari @ Sakshi aged about 15/16 years goes to coaching at Bihta. On 26.12.2016 she did not return till 5:00 P.M. Then he and his family members started searching her and got information that his daughter was seen near Bihta railway station talking to petitioner Rakesh Kumar Giri @ Aryan Kumar who is prop. of Kittu Mobile shop situated near Bihta Police Station. On the basis of said information police registered Bihta P.S. Case No. 977/2016 against the petitioner.

The case of the petitioner has been referred to the Special Judge for framing of charge under the POCSO Act also, apart from other sections of the Indian Penal Code. If the petitioner has any grievance with regard to the applicability of the POCSO Act, he can raise all the grounds before the Special Judge and can contend that no offence under the POCSO Act is made out against him.

With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Ranjeet/-

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