

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60365 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- SHERGHATI District- Gaya

Md. Sajan @ Md. Mehand @ Md. Mehendi Son of Md. Inam @ Md. Guddu
Resident of Mohalla - Urdu Mohalla, P.S. - Sherghati, District - Gaya -
824211 (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musharat Pravin Wife of Md. Irfan Resident of Mohalla - Urdu Mohalla,
P.S. - Sherghati, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Ojha, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Ajit Kumar Ojha, learned counsel for the

petitioner and Mr. Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sherghati P.S. Case No. 160 of 2024, F.I.R. dated 01.03.2024 for the offences punishable under Section 377 of the Indian Penal Code and Section 4 of the POCSO Act.

3. According to prosecution case, there is allegation against the petitioner of committing unnatural sexual intercourse with the minor victim son of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Learned Additional Public Prosecutor for the State, on the other hand, on the basis of the material available on the record particularly the impugned order, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that statement of the victim was recorded under Section 164 Cr.P.C. in which he has categorically stated that the petitioner has committed crime in question apart from that the medical evidence also supports the allegation as alleged in the FIR and the date of birth of the victim is 05.05.2018 which suggests that the victim was aged about only 6 years old at the time of the occurrence.

6. Considering the aforesaid facts as well as nature of the allegation in the FIR, I am not inclined to give the privilege of anticipatory bail to the petitioner in connection with Sherghati P.S. Case No. 160 of 2024 pending in the Court of learned Exclusive Special Judge, POCSO-Cum-Additional Sessions Judge-VII, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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