

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12377 of 2020

Arising Out of PS. Case No.-71 Year-2016 Thana- NATHNAGAR District- Bhagalpur

RAM PRAVESH KUMAR @ RAM PRAVESH SINGH Son of Ram Nath
Singh Resident of Village - Dholpahari, P.S.- Asarganj, Distt - Munger.

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 01-05-2025

Heard learned counsel for the parties.

2. The present application has been filed for quashing the order dated 14.01.2020 in Session Trial No. 453 of 2016, arising out of Nathnagar P.S. Case No. 71 of 2016, holding that at the time of occurrence, the victim was a minor girl and the offence appeared to be one under POCSO Act.

3. As per prosecution case, informant stated that she was married to Munnilal Singh 12.12.2015. When she came in contact with one accused namely Puja Kumari. She induced her and took her matriculation certificate. She took her to a rental house where she forcibly pressed her to make physical relation with several persons. Due to this incidence, F.I.R. was registered against the accused persons.

4. The petitioner is the accused of Nathnagar P.S. Case No. 71 of 2016 registered under sections 363, 368 and 370



of the Indian Penal Code.

5. Learned counsel for the petitioner submits that in the trial, the evidence has been concluded and the case was fixed for argument. At that stage, the learned Trial Judge has held that charges for under POCSO has to be framed. One paragraph of the case diary, it appears to be case of POCSO Act. The victim herself stated that she was major at the date of occurrence that she had passed her matriculation examination as a major and on the date when the statement was recorded u/s 164 Cr.P.C., she said that she is aged about 20 years i.e. she was major at the time of occurrence.

6. In these circumstances, I do not find any ground to proceed against the accused under the POCSO Act.

7. In view of above, this application is allowed.

8. The order dated 14.01.2020 in Session Trial No. 453 of 2016, arising out of Nathnagar P.S. Case No. 71 of 2016 is hereby quashed.

9. The Trial Court, Bhagalpur is directed to proceed in the matter and dispose of the same as it is matter of 2016.

(Sandeep Kumar, J)

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