

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33238 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -MAHILA P.S. District- PATNA

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1. Ravindra Kumar Singh @ Ravindra Kumar @ Nanhak Singh S/o
Dharamdeo Singh , resident of Village - Bahuara, P.S - Gaurichak ,
District -Patna .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Ajay Kr. Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 04-02-2015

This is an application, made under Section 438

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Rabindra Kumar Singh @ Ravindra Kumar
@ Nanhak Singh, in connection with Patna Mahila Police
Station Case No. 19/2014 under Sections 376/420/379 and 323
of the Indian Penal Code.

Perused the above application and materials on
record including a copy of the order, dated 05.07.2014, passed,
in A.B.P. No. 20655/2014, by the learned Sessions Judge, Patna,
dismissing the said application for pre-arrest bail on being
withdrawn.

Heard Mr. Krishna Prasad Singh, learned counsel
for the petitioner, and Mr. Ajay Kumar Jha, learned Additional

Public Prosecutor, appearing on behalf of the opposite party.

Perusal of the statement of the alleged victim, recorded under Section 164 of the Code of Criminal Procedure, reveals that she lived with the accused-petitioner for about three-and-a-half years despite the fact that she was already married and her marriage with her husband had not been dissolved.

In the circumstances indicated above, this Court finds considerable force in the submission, made on behalf of the accused-petitioner, that in the facts and attending circumstances of the present case, even if the allegation of the accused-petitioner having sexual intercourse with the complainant be true, the same can be reasonably inferred to be consensual in nature and, hence, no case of rape or cheating can be said to have been made out.

Situated thus, this Court is of the view that in the facts and attending circumstances of the present case, the accused-petitioner has been able to make out a reasonable case calling for extending benefit of pre-arrest bail to him.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the

satisfaction of the Officer-in-Charge, Patna Mahila Police Station. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Patna Mahila Police Station, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

This bail pre-arrest application shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Mahila Police Station, District-Patna.

Send also a copy of this order, forthwith, to the Senior Superintendent of Police, Patna, by fax.

(I. A. Ansari, J.)

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