

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38329 of 2014

Arising Out of PS.Case No. -37 Year- 2014 Thana -MAHILA P.S. District- SIWAN

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1. Raj Kumar Manjhi @ Raj Kumar Son of Lal Bihari Manjhi resident of
Village - Bithuna, P.S. : Basantpur, District : Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Punam Shrivastava, Advocate

For the Opposite Party/s : Mr. R.B.S. Pahepuri (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2015

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 376 of the
Indian Penal Code.

It is alleged that the petitioner was a classmate of
informant established physical relationship on promise of
marriage with the informant but subsequently the parents of
the petitioner refused to marry.

It is submitted by the learned counsel for the
petitioner that statement under Section 164 Cr.P.C. made on
26th April, 2014 the victim got her age recorded 25 years, the
Court also assessed her aged 25 years but during medical
examination of the informant the Doctor found her age between
18-19 years. Informant statement under Section 164 Cr.P.C.

that physical relationship was established on promise of marriage in 2003. It appears that the age of the victim was 7-8 years on the alleged date of occurrence. Medical report does not suggest any sign of forceful physical relationship with the victim.

Considering the delayed lodging of the case, the accusation not being corroborated by the medical report and the statement made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan in connection with Mahila P.S. Case No. 37 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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