

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38174 of 2014

Arising Out of PS.Case No. -9 Year- 2014 Thana -GHANSHYAMPUR District- DARBHANGA

=====

Shrawan Kumar Poddar Son of Sri Kapil Poddar Resident of village-
Belwara, P.S.- Ghanshyampur, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harendra Prasad Singh

For the Opposite Party/s : Mr. S.Dayal(App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 30-03-2015 Heard Sri Pankaj Kumar, learned counsel, who was

assisted by Sri Harendra Prasad Singh, learned counsel for the

petitioner and Sri Shyameshwar Dayal, learned A.P.P.

The petitioner, who apprehends his arrest in connection
with Ghanshyampur P.S. Case No. 09 of 2014, registered for the
offence under Section 376, 314, 120(B) and 34 of the Indian Penal
Code, has prayed for grant of anticipatory bail.

It has been pleaded that in the F.I.R. itself it has been
indicated that petitioner is brother of Bhabhi of the victim and it
has been alleged that long back in the month of September,
2013 the petitioner had committed rape with her and, thereafter,
assurance was given for marrying her and subsequently, thereafter,
repeatedly he continued such relationship. Finally, the petitioner

refused to marry her and, thereafter, F.I.R. has been lodged.

Learned counsel for the petitioner has also placed reliance on Annexure - 2 to the petition, which is a report of Forensic Medicine & Toxicology issued by Darbhanga Medical College, Laheriasarai, Darbhanga. He submits that from the report itself it is evident that no sign of rape was found and the doctor has opined the age of victim in between 17-18 years. Meaning thereby, the victim is a major.

Sri Shyameshwar Dayal, learned A.P.P. has vehemently opposed the prayer of the petitioner and he submits that in the F.I.R. itself there is specific allegation against the petitioner.

Besides hearing, I have also perused the materials available on record. Fact remains that investigation is still going on and relationship of the petitioner with victim has not been disputed.

In the facts and circumstances, the court considers the case as fit for extending the privilege of anticipatory bail till final conclusion of investigation. Accordingly, let the petitioner Shrawan Kumar Poddar in the event of arrest or surrender within a period of eight weeks from today be released on furnishing bail bond of Rs. 10,000 /- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sudhir Sinha,

learned Judicial Magistrate 1st Class, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 09 of 2014.

It is made clear that this order shall remain operative only till conclusion of investigation. If subsequently charge sheet is submitted, the petitioner will have to appear before the court below and make a prayer for regular bail.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--