

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41866 of 2014

Arising Out of Complaint Case No. -1111 Year- 2013 COMPLAINT CASE District-
KATIHAR

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1. Prakash Mandal Son of Shivam Mandal Resident of Village-Purani Seiz,
Kewala, P.S- Manihari, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-03-2015 Heard the learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner, namely, Prakash Mandal who
apprehends his arrest in connection with Complaint Case No.CA-
1111/2013 under Section 376 of the Indian Penal Code.

It appears that a complaint case was filed by the
complainant, Bandana Kumari against the petitioner alleging that
the petitioner raped her.

The complaint case was sent to police for
investigation. Thereafter, the police filed final form stating that
the complainant did not give any statement under Section 161
Cr.P.C. and she was also not ready to get the D.N.A. test of her

child and medical test and, therefore, final form was submitted. The complainant then filed protest petition and she was examined under Section 202 Cr.P.C. and on the basis of the same, the court below has taken cognizance under Section 376 of the Indian Penal Code.

The learned counsel for the petitioner submitted that according to the complaint itself, the rape was committed six months prior to the filing of the complaint case and moreover, she did not give any statement under Section 161 Cr.P.C. before the police nor she was ready for medical examination and, therefore, the police has rightly submitted the final form. In the examination under Section 202 Cr.P.C., she has also stated that when she met with the petitioner, she is unable to say that when she met with the petitioner.

On the other hand, learned A.P.P. objected the prayer for anticipatory bail and submitted that the complainant is admittedly a minor girl and is unmarried but then a child has been born to her.

The photocopy of statement of the complainant examined under Section 202 Cr.P.C. is produced before this Court at the time of hearing of this bail application.

Since the complainant has clearly alleged that she is

minor and that she was raped and a child has already been born to her, I am not inclined to grant the petitioner anticipatory bail.

Accordingly, this bail application is rejected.

(Mungeshwar Sahoo, J)

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