

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43048 of 2014

Arising Out of PS.Case No. -3358 Year- 2010 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Rajesh Yadav, son of Bindeshwari Pd. Yadav, village- Sikkat, P.S. Barari,
District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-03-2015 The petitioner is facing trial in C.A. Case
No.3358 of 2010, for the offence punishable under
Section-376 of I.P.C. The petitioner filed A.B.P. No.898 of
2014, in the court of learned District & Sessions Judge,
Katihar, for grant of anticipatory bail which was rejected
through order dated 11.9.2014. Hence, this application
under Section-438 of Cr.P.C. before this Court.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

This Court would be very reluctant to grant
anticipatory bail wherever the allegation against the
accused is referable under Section 376 of I.P.C. In the
instant case, the allegation is, no doubt, under Section
376 of I.P.C., the fact, however, remains that even

according to the complainant, the alleged rape has taken place eight years prior to the complaint. Added to that, she stated that not only she had voluntary sexual relationship with the petitioner herein, but also she married to another person from Delhi about four years ago. Under these circumstances, this Court is of the view that the petitioner deserves to be granted anticipatory bail. Therefore, the petition is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) each along with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with C.A. No.3358 of 2010.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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