

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32521 of 2015

Arising Out of PS.Case No. -71 Year- 2015 Thana -BELAGANJ District- GAYA

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1. Anant Kumar @ Aanand Kumar Mishra son of Bagan Mishra @
Triyambak Shastri, resident of village- Dhanawa, P.S.- Belaganj, District-
Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sahin Begum (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-11-2015

Heard learned counsel for the petitioner, learned
counsel for the State and the informant.

The petitioner is apprehending his arrest in a
case registered under sections 376/34 of the Indian Penal Code
and section 6 of the POCSO of the Act.

Earlier case diary was called for in this case
which has been received.

Learned counsel for the petitioner submits that
though the allegation of rape has been made against the petitioner
but the medical report which has come, does not speak of any
external or internal injury nor there is any sign of rape on the
victim girl.

Learned counsel for the informant submits that
the petitioner was identified by the girl in her statement under

section 164 Cr.P.C. Learned counsel further submits that in view of the allegation the petitioner is not entitle to the privilege of anticipatory bail.

Learned counsel for the State while referring to paragraphs of the case diary submits that the occurrence had taken place on 03.05.2015 and the girl was recovered on the same day from the house of one Guddu Kumar. However, the said Guddu Kumar and or Parwati Devi whose names figured in the statement recorded under section 164 Cr.P.C. have not been examined in this case. The medical evidence does not reveal any sign of rape.

Considering the entire facts and circumstances and the fact that the petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in Belaganj P.S. Case No. 71 of 2015, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Anjana Mishra, J)

M.Rahman/-

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