

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46068 of 2015

Arising Out of PS.Case No. -102 Year- 2015 Thana -AMAUUR District- PURNIA

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Jhantu Sharma son of Baisakhu Sharma, Resident of village- Chauka , P.S. Amour, District Purnea

.... Petitioner

Versus

1. The State of Bihar
2. Milan Kumari, D/o Anil Sharma, R/o, Chauka, P.S. Amour, District, Purnea

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the State : Mr. C.Sen Pd. Singh (App)
For the informant : Mr. Rajendra Pd., Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 01-03-2016 Heard parties.

Petitioner apprehends his arrest in a case filed under Section 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the victim. It is contended that though the alleged occurrence is of 17.04.2015 but complaint case was filed on 13.05.2015 after about one month from the date of occurrence and though the allegation is of committing rape, however, F.I.R. was not immediately lodged as the victim lady has stated in her complaint case that she was waiting for the Panchayati in the village so that victim girl



could be married with the petitioner. There is no medical examination of the victim girl. It is further submitted that, subsequently, several cases were lodged by the parties upon each other. Copies of the complaint petitions have been appended with this application. It is also submitted that the parties have reached out of court settlement and the joint petition to that effect has also been filed.

Learned counsel for the State submits that offence under Section 376 is not compoundable, however, a co-ordinate Bench of this Court vide order dated 10.11.2015 had issued notice to the complainant / informant. Learned counsel for the informant submits that opposite party no.2 is now happily married and they have reached out of court settlement.

Having regard to the aforesaid facts and circumstances and also in view of the fact, as pointed out by the petitioner, that there is inordinate delay in lodging the complaint case, i.e., after about one month and there is no medical examination report of the victim girl, in the event of arrest/surrender within a period of six weeks from today in Amour P.S. case no.102 of 2015, the above named petitioner, Jhantu Sharma shall be released on bail on

furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sri R.K. Sinha, Judicial Magistrate, Purnea subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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