

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10229 of 2016

Arising Out of PS.Case No. -213 Year- 2015 Thana -LAXMIPUR District- JAMUI

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1. Kundan Kumar @ Kundan Kumar Tanti Son of Ganesh Tanti, Resident of Mohandpur, P.S. - Laxmipur, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376, 307 and 504 of the Indian Penal Code and sections 3 and 4 of Prevention of Children from Sexual Offences Act.

The prosecution case is that on 28.10.2015 at 8 P.M. when the informant went to take water from the well then all of a sudden the petitioner pressed her mouth, pulled her down on the ground, tore her trouser and committed rape, thereafter he escaped from the scene. On the cry of the informant, her father came and then the father went to the house of Ganesh and Krishnadeo Tanti to complain but they made attempt to kill the father of the informant. The informant claimed to have received bleeding injury on

private part.

It is submitted by the learned counsel for the petitioner that the petitioner is the agnate of the informant and the occurrence, admittedly, took place on 28.10.2015 but the written report was submitted on 20.11.2015 when the FIR was registered. The victim was also medically examined on 20.11.2015 which completely negates the commission of rape. It is further submitted that the petitioner is agnate of the informant and in the background of land dispute the accusation has been levelled hence, no offence under section 376 and 307 IPC nor under sections 3 and 4 of Prevention of Children from Sexual Offences Act is made out.

Learned counsel for the informant submits that the informant or her family members did not go to the police station since they were frightened with the petitioner side but does not dispute the fact that Complaint Case No. 1825C of 2015 was filed on 4.11.2015 by the grand father of this petitioner against the father of the informant and others levelling accusation under sections 392,323 and 504/34 IPC.

Considering the delayed lodging of the case and the medical examination report of the victim just prior to the lodging of the case coupled with the Statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the

above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ – I, Jamui, in connection with Laxmipur P.S. Case No. 213 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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