

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44697 of 2015

Arising Out of PS.Case No. -294 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Shankar Kumar Son of Sri Shashi Bhusan Kumar resident of Village
Daulakchak P.s Kashichak, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh-I(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Bihar P.S. Case No. 294/2015 registered for offences punishable
under Sections 376 of the Indian Penal Code.

The prosecution case was lodged on the basis of
Complaint Case No. 730C/2015 filed by the victim, Pinki Kumari
which was finally registered as Bihar P. S. Case No. 294/2015 in
which it has been alleged that Shankar Kumar (petitioner) was
living on the ground floor of her house as tenant. On 28.05.2015 at
about 5 A.M. while the complainant was alone on the Upper floor
of her house, the petitioner entered in the room of the Complainant
and closed her mouth by his hand and committed rape. Thereafter,
the petitioner after wearing his clothes, fled away. She further
alleged that on the date of occurrence, the mother of the
complainant was not present in her house and when she returned

the complainant told her mother about the occurrence. She further stated that the witnesses had seen the petitioner fleeing away.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the aforesaid case. It has further been submitted that that the petitioner has no criminal antecedent as is evident from para-3 of this petition. Learned Senior counsel for the petitioner, Mr. Yogesh Chandra Verma contends that complaint case has been lodged after 18 days of the date of occurrence and none of the witnesses has been named .

It has further been submitted that a Medical Board was constituted for examination of the victim, which finds place at para-21 of the case diary, which specifies that she was habituated to sexual incense. Furthermore, learned counsel for the petitioner submits that as per para-62 of the case diary, police during investigation has found that the mother and the victim girl is of doubtful character. Earlier, the petitioner's father had filed an Informatory petition bearing No. 1048C7/2015 against the father of the victim and the present case has been lodged as an after thought. However, learned A.P.P. submits that the petitioner is named in the F.I.R.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing

bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 294/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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