

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.196 of 2016

Arising Out of PS.Case No. -518 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Gautam Kumar @ Dara son of Rajesh Mahto, resident of village- Shobha
Ganj, P.S.- Sasaram (T), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav -Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 16-02-2016 Heard learned counsel for the petitioner as well as
learned APP for the State.

Informant, Ram Kumar Gupta who happens to be father
of victim, Anita Kumari had filed a written report on 10.05.2015
alleging *inter alia* that his daughter Anita Kumari has been enticed
away by the petitioner on 07.05.2015. It has also been
incorporated that when they went to the house of petitioner, his
father had assured regarding presence of victim within two days
but failed to oblige and then thereafter, the instant case has been
registered. From Adhaar Card, the date of birth of alleged victim
happens to be 12.01.2000.

It has been submitted on behalf of petitioner that from
medical evidence there happens to be absence of recent sign of
sexual intercourse. Furthermore, the age of the victim has been

estimated in between 16-17 years. It has also been submitted that the victim being major was a consenting party and on account thereof, petitioner be released on bail.

On the other hand, learned APP opposed the prayer for bail.

The date of birth given in the written report supported by the documentary evidence divulges 12.01.2000 and on account thereof, the victim happens to be minor. Even from the medical evidence, though contains fluctuation of two years plus minus, is taken together with the date of birth so shown, then in that event, the same is found corroborative in nature.

From Annexure-2, statement under Section 164 Cr.P.C. of the victim, it is evident that she was forcibly lifted and then was ravished by the petitioner.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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