

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53172 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -MAHILA P.S. District- SARAN

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Anil Prasad @ Anil Kr. Prasad, son of Sri Ram Bilash Prasad, r/o village Hanumanganj, P.S. Mashrakh, Distt. Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 16-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Mahila (Saran) P.S. Case No. 35 of 2016 instituted for the offence under Sections 376 and 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that occurrence is alleged to have taken place in the year 2010 but the case has been lodged in the year 2016. The statement of the victim girl has also been recorded in the year 2016. There is land dispute between the parties.

As per the written report the petitioner who is the cousin uncle of the victim has committed rape with the daughter of the informant after giving threat to kill her father and brother. When the victim told about the occurrence to his uncle Jitendra Bhagat, he also committed rape with the victim Pooja Kumari



while she stayed in the house and her mother along with the children had gone to Patna for treatment of the informant. The statement of the victim girl has been recorded under Section 164 Cr. P.C. in which she has given almost similar statement as stated in the written report.

From the written report itself it appears that the informant and the petitioner are agnates. In the written report there is no mention of specific date of the alleged occurrence.

Case diary has been received.

The learned A.P.P. has pointed out about the Medical Report of the victim girl as mentioned in paragraph-34 of the case diary wherein the doctor has stated that there is no evidence of intercourse but the previous intercourse cannot be overruled. The petitioner is said to be in custody since 23.8.2016

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saran at Chapra, in connection with Mahila (Saran) P.S. Case No. 35 of 2016, subject to the



condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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