

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48542 of 2017

Arising Out of PS. Case No.-208 Year-2016 Thana- KAHALGAON District- Bhagalpur

Raja Rai @ Raj Kumar Paswan @ Raj Kumar, S/o Nero Rai @ Narayan Rai,
Resident of Village- Ram Nagar (Banra Bagicha), P.S.- Kahalgaon, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. SRI BINOD KUMAR 3

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 16-11-2017 Heard learned counsels for the petitioner and the State.

Petitioner apprehends arrest in connection with Kahalgaon
P.S. Case No. 208 of 2016 registered for the offence punishable
under sections 366A, 506/34 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that
the matter is of love affair. Petitioner has married with the
victim. They left their houses on their own will. The victim was
examined by the doctor and no mark of violence was found to
suggest sexual assault. Other co-accused namely, Radha Devi
has been granted bail by this Court in Cr. Misc. No. 48871 of
2017 vide order dated 28.01.2017.

Learned Addl. P.P. appearing for the State opposes the
prayer for bail and submits that there is specific allegation



against this petitioner. The victim in her statement under section 164 Cr.P.C. has categorically stated that this petitioner committed rape upon her. It is further submitted that the victim's age has been assessed by the learned Magistrate to be 15 years and the Medical Board has found her age to be below 18 years.

Considering the nature of allegations levelled, the materials available on record and the submissions advanced on behalf of the parties, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner. The same is, therefore, rejected.

(Arvind Srivastava, J)

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