

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39419 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -BHAGWAN BAZAR District- SARAN

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Rahul Kumar @ Rahul Choudhary, Son of Munna Choudhary, Reisdent of
Mohalla-Dahiyawan Braham Toli, P.S.-Chapra Town, District-Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bhagwan Bazar
P.S. Case No. 33 of 2017 instituted for the offence under Sections 363
and 366(A) of the Indian Penal Code.

It has been submitted that victim girl is major as will
appear from the school certificate annexed as Annexure-6 wherein the
date of birth of the victim girl is mentioned as 02.05.2002. It is a matter
of love affairs and the victim girl has married with Rahul Kumar @
Rahul Chaudhary which is apparent from certificate of marriage,
annexed as Annexure-5.

The counsel for the petitioner has submitted that the
victim girl, on her recovery under influence of her family members, has
given statement under Section 164 Cr. P.C. The medical report does not
support her statement under Section 164 Cr. P.C. that an illegal act has



been committed by the petitioner with her as the Doctor has found no sign of rape and hymen was found intact.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Bhagwan Bazar P.S. Case No. 33 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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