

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8794 of 2017

Arising Out of PS.Case No. -124 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Sandip Kumar @ Akshay Kumar, son of Suresh Ravidas, resident of
village-Bargaon, P.S.-Nalanda, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
Mr. Binit Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-03-2017

This is an application for grant of anticipatory bail
for offences punishable under Sections 376, 420 and 406/34 of the
Indian Penal Code.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that
from perusal of the statement of the victim girl recorded under
Section 164 of the Code of Criminal Procedure, it appears that she
is a consenting party and she went with the petitioner at different
places and stayed in the hotel. The medical report does not
corroborate the case of the petitioner. Petitioner is a Government
servant.

Heard learned A.P.P. also. He has opposed the prayer
for bail.



Having heard both sides and from perusal of the statement of the girl under Section 164 of the Code of Criminal Procedure, it appears that she had gone along with the petitioner and stayed in a hotel but it is also stated that without her consent, petitioner has committed rape upon her.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner, the same is rejected.

However, petitioner is directed to surrender in the court below, i.e., learned S.D.J.M., Nalanda, in connection with Mahila P. S. Case no. 124 of 2016 and make prayer for regular bail which will be considered on its own merit without being prejudiced by the order of this Court.

Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

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