

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.355 of 2017

Arising Out of PS.Case No. -27 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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Dulal Kumar Sinha, S/o Late Krishna Prasad Sinha, R/o Milanpally, P.S. +
District- Kishanganj.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Binay Kumar
For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 18-07-2017 Heard learned counsel for the appellant and learned
APP for the State.

The appellant seeks pre arrest bail in connection with Special Case No. 5 of 2016 arising out of Kishanganj Mahila P.S. Case No. 27 of 2016, registered for the offences punishable under sections 376/120B of the Indian Penal Code and Section 3(i)(w)(i)(ii) of the SC/ST (Prevention of Atrocities) Act and Sections 8/12 of the POCSO Act.

Allegation against the appellant is of committing rape upon the prosecutrix and further FIR shows that thereafter when the pregnancy was developed, a Panchayati was made. In Panchayati some condition was made and according to that condition, prosecutrix and petitioner were taken for examination



from where the petitioner fled away.

Submission of learned counsel for the petitioner is that there is delay in FIR and FIR itself shows that she was consenting party. Further submission is that father of the prosecutrix has also filed a petition in the court below that they have settled the dispute outside the Court.

Learned APP as well as the informant opposed the prayer for bail.

Considering the facts and circumstances of the case, I am not inclined to grant bail to the appellant at this stage. However, as the evidence is going on, learned trial court is directed to examine the prosecutrix as well as the doctor within a period of one month and once she has been examined, he will consider the prayer on the basis of material available on record.

With this observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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