

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45805 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -JURAWNUPUR District- VAISHALI(HAJIPUR)

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1. Rishi Kumar, son of Mahabir Singh, resident of village- Raghapur, P.S.-
Jurawanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 21-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Jurawanpur P.S.**

Case No.54 of 2016 instituted for the offence under Section(s)
341, 323, 504, 506, 307, 315, 366-A, 376 Indian Penal Code and
Section 4/6 of the POCSO Act.

Counsel for the petitioner has submitted that prior to
filing of this case another case has been filed by the Informant
vide Complaint Case No.515-C of 2016 against the petitioner and
one of his friend, Manish Kumar, which was sent to the P.S.
under Section 156(3) Cr. P. C. by the Chief Judicial Magistrate.
The police after investigation found entire allegation false
(Annexure-3). Father of petitioner has filed case against the
Informant and other family members vide Complaint Case No.01



of 2017.

In the instant case, there is allegation that on the pretext of marrying the victim girl (informant), the petitioner made sexual relationship several times with her by taking her at different places and when she became pregnant then the petitioner caused her miscarriage by giving medicines to her.

During investigation, statement of the victim girl was recorded under Section 164 Cr. P. C., wherein, she has made almost similar statement. Victim has stated her age as 17 years and the Court has also assessed her age as 17 years.

Learned APP after going through the case diary has stated that there is no mention of any medical examination report in the case diary.

From the First Information Report and the statement of the victim girl under Section 164 Cr.P.C., it appears that sexual relationship was established with her consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Jurawanpur P.S. Case No.54 of 2016**, he shall be released on anticipatory bail on



furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge 1st-cum-Special Judge (POCSO Act), Vaishali at Hajipur**, 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.

JA/-

(Sanjay Priya, J)

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