

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6593 of 2018**

Arising Out of PS. Case No.-41 Year-2017 Thana- MAHILA P.S. District- Banka

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Devan Rajak, S/o Souru Rajak, R/o Village- Muhammadpur (Mummadpur)  
P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : MD. SUFIYAN, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      06-02-2018              Heard learned Counsels for the petitioner and learned APP  
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376, 493, 504, 506 and 323/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 08.09.2017 submitted by Anjali Kumari to the Station House Officer (Mahila), Banka, Ghosbari Police Station to the effect that she was in love with the son of the petitioner Prem Rajak, who used to establish physical relationship with her since last one year on the pretext of marriage. Subsequently, the informant gave birth to a female child, but after birth of the child, the son of the petitioner refused to marry with the informant. When the informant went to the house of Prem



Rajak, then he and his father assaulted the informant.

It is submitted by learned counsel for the petitioner that in the FIR itself, the informant has herself claimed to be aged about 19 years and she agreed that she established physical relationship with the son of the petitioner with consent, hence, no offence is made out even against the son of the petitioner. The only accusation against the petitioner is under section 323 of the I.P.C. which is bailable. Moreover, the thrust of accusation is against the son of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the thrust of accusation against the son of the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Banka, in connection with Banka (Mahila) P.S. Case No.41 of



2017, subject to the conditions as laid down under Section  
438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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