

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30861 of 2018

Arising Out of PS.Case No. -8 Year- 2018 Thana -MAHILA P.S. District- PATNA

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1. Ashish Gaurav s/o Nand Kishore Prasad Verma, Resident of- Jakkanpur,
Police Station- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nivedita Nirvikar, Adv.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 05-06-2018 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Mahila Police Station Case No. 08 of 2018, disclosing
offences under Sections 376, 504/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
the petitioner, who is of clean antecedent, is innocent and has
not committed any offence. In fact, the alleged occurrence is of
the year 2016 whereas the F.I.R. has been lodged in the year
2018 after lapse of two years without explaining the plausible
delay, which itself creates doubt over the prosecution version.
Moreover, no sign of rape or any internal and external injury has
been found on the person of the victim, who is said to be major,



which is evident from the medical report, Annexure-4. Therefore, Section 376 of the I.P.C does apply in this case. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on 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, Patna, in connection with Mahila Police Station Case No. 08 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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