

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56741 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -KASMA District- AURANGABAD

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1. Govind Kumar, S/o Gopal Das
2. Ajit Kumar @ Ajit Das, S/o Krishna Das @ Krishna Ram Both R/o
Village Dome Toli (Rafiganj), P.S. Rafiganj, District-Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2018 Heard the learned counsel for the petitioners and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Kasma P.S. Case No. 75 of 2017 registered for the offence punishable under Section 366(A)/34 of the Indian Penal Code.

The allegation against the petitioners herein are that they had taken away the victim girl and thereafter the petitioner no. 2 is said to have established physical relationship with the victim girl.

The learned counsel for the petitioners submits that the victim girl in her statement under section 164 Cr.P.C. has not levelled any allegation of rape against the petitioners herein. In any view of the matter the age of the victim girl has been found in



between 18-19 years by the doctor upon examination and apparently there is no sign of any immediate rape on the victim girl, hence the matter at best can be said to be consensual in nature and do not amount to commission of rape and the petitioners have a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Kasma P.S. Case No. 75 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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