

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57184 of 2018

Arising Out of PS.Case No. -231 Year- 2018 Thana -GHORASAHAN District-
EASTCHAMPARAN (MOTIHARI)

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Raj Kapur Kumar S/o Birendra Prasad Kushwaha, R/o Vill.- Rajwara, P.S.-
Ghorasahan, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 20-09-2018

Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Ghorasahan P.S. Case No. 231 of 2018 registered for the
offences punishable under Sections 363, 366(A) and 34 of
Indian Penal Code.

The victim has made her statement under section 164
of the Cr.P.C which is evident from perusal of Annexure-2 to this
petition. The victim states that she was taken away forcibly by the
petitioner and others and was confined in a room but on the next
day her family members came and got released her from captivity



of petitioner and others. The victim has nowhere stated that she was forced for sexual intercourse with any person. Therefore the application of section 366A appears to be doubtful and so far as section 366 of the Indian Penal Code is concerned, the same is a bailable offence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, above named, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahna, Dhaka, East Champaran at Motihari in Ghorasahan P.S. Case No. 231 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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