

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26278 of 2018**

Arising Out of PS.Case No. -190 Year- 2017 Thana -JANKINAGAR District- PURNIA

=====

1. Sonu Kumar Jaiswal son of Sunil Jaiswal  
2. Sunil Jaiswal @ Sunil Kumar Jaiswal son of Late Anugrah Jaiswal @  
Anugarh Narayan Jaiswal  
Both resident of village- Rampur Tilak, P.S.-Jankinagar, District-  
Purnea.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate  
For the Opposite Party/s : Mr. Madan Kumar, APP

=====

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

2      03-05-2018                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners seek pre-arrest bail in connection with  
Jankinagar P.S. Case No.190 of 2017 registered under Sections  
366A read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners  
that the victim in her statement recorded under Section 164 of the  
Code of Criminal Procedure, as contained in Annexure-3 to the  
present application, has categorically stated that being in love with  
the petitioner no.1 Sonu Kumar Jaiswal since last four years, she  
married him and wants to live with him. He submitted that the



doctor who examined the victim assessed her age between 19 and 20 years.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the victim has also stated in her statement recorded under Section 164 of the Cr.P.C. that the petitioner no.1 Sonu Kumar Jaiswal had established physical relationship with her forcibly which would constitute an offence of rape.

Be that as it may, considering the medical report regarding age of the victim and her statement under Section 164 of the Cr.P.C., and the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Jankinagar P.S. Case No.190 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Md.S./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

