

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33048 of 2018

Arising Out of PS. Case No.-138 Year-2017 Thana- MAHILA P.S District- Supaul

SUNIL YADAV @ SUNIL KUMAR, Son of Raudi Yadav, Resident of Nasa,
Tamua, Ward No.01, Police Station- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Nawal Kishore Prasad APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Supaul Mahila P.S. case
no. 138 of 2017 instituted for the offence under Section 323, 376,
504, 506 of the Indian Penal Code and Section 3/4 of the POCSO
Act. .

The written report has been filed by the mother of the
victim girl alleging that her daughter had gone to Atta Chakki and
in the way this petitioner took her to the field and committed rape
with her.

It is submitted that the alleged occurrence is said to have
taken place on 4.9.17 whereas the FIR has been lodged on
12.9.17. It is further submitted that both the victim girl and this
petitioner have performed marriage. In support of such marriage,



he has annexed the marriage certificate issued from Temple as Annexure-3 series and also the compromise petition filed between the daughter of the informant and this petitioner wherein she has stated that she has compromised the case with petitioner. He has also filed an affidavit in the learned Court below stating that she has performed marriage with this petitioner and living in her sasural. Petitioner has annexed the report of the Medical Board as Annexure-2 wherein the victim was assessed between 17-18 years of age.

Learned APP submitted that the victim girl in her statement recorded under Section 164 Cr. P.C. has supported the case of committing rape by this petitioner. Learned counsel for the petitioner has submitted that in this respect she has filed an affidavit in the Court below (Annexure-3 series) wherein she has stated that aforesaid statement U/S 164 Cr.P.C. was given by her under pressure of her parents. She was having love affairs with the petitioner. She has performed marriage with petitioner. She is living in her sasural with petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Supaul Mahila P.S. case no. 138 of 2017, he shall be released on anticipatory bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.D.J.1st Supaul, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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