

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30328 of 2018

Arising Out of P.S.Case No. -151 Year- 2017 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

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Arjun Uraon S/o Shankar Uraon, R/o Vill.- Sherahawa, P.S.- Semara
(Chiutaha), District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in custody in connection with Semra
(Chiutaha) P.S.Case No.151 of 2017 registered for an offence
under Section 376 of the IPC.

The informant in her written report has alleged that on
15.11.2017 this petitioner had committed rape. She raised alarm
whereupon the local people assembled and thereafter the petitioner
anyhow escaped from the place of occurrence.

It has been submitted that the informant of this case is
major married lady. She in her statement before the Magistrate has
stated that she had love affairs with this petitioner and on earlier
occasion, this petitioner had established physical relation with her.



She had conceived on account of sexual relation and she was treated by the doctor where her pregnancy was aborted. The husband of the informant got knowledge about the occurrence and thereafter he deserted her. The informant asked the petitioner to marry her but the petitioner refused to marry and thereafter this case has been lodged. The petitioner is in custody since 04.01.2018 having clean antecedent.

The learned APP opposed the submission.

On perusal of the statement of 164 of the Cr.P.C. it appears that all is not well with the informant. She has disclosed her aged as 23 years. Learned Magistrate has further assessed her as 24 years. The doctor has assessed her age in between 19 to 20 years. It appears that she had affairs with the petitioner since long and on refusal of the petitioner to marry her, the case has been registered.

The learned APP opposed the submissions.

Considering the facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioner 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 ACJM-Ist, Bagaha, West Champaran in connection with Semra (Chiutaha) P.S.Case No.151 of 2017 with following



conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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