

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16993 of 2019

Arising Out of PS. Case No.-514 Year-2018 Thana- CHANPATIA District- West Champaran

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SURAJ KUMAR SRIVASTAVA @ SURAJ KUMAR SHRIWASTAV Son of
Vinay Shrivastav Resident of Ward No. 5, Tadawa Tola, Turhapatti, P.S.-
Chanpatia (Sirisia O.P.), District - West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-05-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Chanpatia (Sirisiya O.P.) P.S.Case no.514 of 2018 registered for offences punishable under Section 366(A) of the Indian Penal Code.

Allegation against the petitioner is of kidnapping and having sexual intercourse with the victim.

Submission of the learned counsel for the petitioner is that the statement under Section 164 Cr.P.C. itself shows that she was consensual party and the Doctor has found her aged between 17 and 19 years and no sign of rape was found.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail in view of the



statement of the girl under Section 164 CrP.C...

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on the basis of materials available on the record.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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