

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46198 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- RAJNAGAR District- Madhubani

ANIL RAM, aged about 25 years, Male, Son of Ram Karan Ram Resident of
Village - Tetaraha, P.S.- Pandaul, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-09-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in
connection with Raj Nagar P.S. Case No. 321/2018
registered under Sections 363, 366(A), 504, 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
alleged occurrence of taking away the victim girl is said to
have taken place on 23.09.2018 whereas the F.I.R. has been
lodged on 03.10.2018 without there being any explanation
for the delay. It is further submitted that although in her
statement under Section 164 Cr.P.C. the victim girl has
alleged that the petitioner had committed rape upon her



during the period she was being kept at Patna, the medical report as contained in Annexure '2' does not find any sign of rape and the conclusion drawn by the medical board is that there is no medical evidence of sexual offence.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the victim girl is aged about 14-15 years, this petitioner was a tutor and was engaged for tuition to the victim girl but he took away his girl on a false pretext, and as per her statement, she was subjected to rape.

Considering the facts and circumstances of the case whereunder the allegation are that this petitioner had taken away the victim girl and had kept with him for about 15 days and the manner in which she was taken away, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

However, considering the facts and circumstances of the case wherein it is stated that the petitioner is a student and further that the medical board report is not showing any sign of violence and no medical evidence of sexual offence has been found by the medical board, in case the petitioner



surrenders in the court below within a period of four weeks from today and prays for regular bail the same will be considered keeping in view the aforesaid aspect of the matter and the prayer for regular bail shall not be rejected only because this court has refused to grant anticipatory bail to the petitioner.

This application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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