

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54886 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA P.S. District- Patna

PRASANT KUMAR @ PRASHANT KUMAR S/o Sri Ram Ratan Sahni
R/v- Hospital Road, Lahariya Sarai, Darbhanga, P.S.- Lahariya Sarai, Distt.-
Darbhanga at present resident of the Police Quarter of S.I. Parwati Kumari,
Alamganj, P.S.- Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-11-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 22.5.2019 in
a case registered for the offences punishable under Sections
376,201,504 and 120B of the I.P.C.

The prosecution case as per the written report of Saloni
Kumari submitted to the SHO, Mahila Police Station
Gardanibagh is to the effect that she used to visit the I.O. of
Mahila P.S. Case No. 42 of 2017 when she got acquainted with
the petitioner Prashant Kumar who was the son of the I.O. of the
said case and subsequently on 28.11.2018,he ravished the
informant.

It is submitted by learned counsel for the petitioner that
initially the informant lodged Mahila P.S. Case No. 42 of 2017
with the accusation under Sections 376 and 506/34 of the IPC



against one Amar Kumar and his family members and started pressurizing Parvati Devi, I.O. of Mahila P.S. Case No. 42 of 2017 to submit charge sheet though the petitioner is the son of sister of said Parvati Devi. It is further submitted that for the alleged occurrence of 28.11.2018, the FIR has been registered on 5.5.2019 and the accusation of rape is not being corroborated by the medical opinion. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the accusation against the petitioner is specific that he administered intoxicant and thereafter he established physical relationship with the informant.

Learned APP after going through the case diary, submits that initially the case was lodged against one Amar Kumar and his family members and thereafter, the present case has been lodged with the accusation of rape though the accusation of rape is not being corroborated by the medical opinion.

Considering the fact that accusation of rape is not being corroborated by the medical opinion, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period in custody, let the



petitioner above named 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 the learned JM Ist Class, Patna in connection with Mahila P.S. Case No. 39 of 2019.

(Dinesh Kumar Singh, J)

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