

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44554 of 2014

Arising Out of PS. Case No.-1021 Year-* Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Santosh Paswan, S/o-Late Lalu Paswan, R/o- Village- Dharnai, P.S.- Karpi,
District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishal Saurabh, Adv.
For the Opposite Party/s : Mr. A.M.P. Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 02-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 376 of the IPC.

The matter was heard by this Court on 16.12.2014 when notices were issued to the complainant and interim protection was granted to the petitioner, since for the occurrence of 26.11.2012, the complaint was filed on 30.11.2012 and prior to that Sanha Diary was entered on 27.11.2012 wherein there was accusation of establishment of forceful physical relationship.

It appears that on the prayer of learned counsel for the



petitioner, the matter was adjourned on several occasions and ultimately, vide order dated 29.06.2015, a co-ordinate Bench of this Court adjourned the matter till 2019. Thereafter, it appears that the petitioner was enjoying the privilege of interim order without taking any effort of getting the matter heard.

The prosecution case as per the complaint petitioner is that on 26.11.2012, the complainant was ravished by the petitioner.

It is submitted by learned counsel for the petitioner that the complainant got a Sanha Diary Entry made on 27.11.2012 by filing a written report before the Station House Officer, Karpi Police Station, with accusation that the petitioner assaulted the complainant, but the said written report which is the basis of Sanha Dairy Entry, does not stipulate the accusation of rape dated 26.11.2012. Similarly the complainant also filed an undated written report before the Women's Help Line, there also, the accusation of making assault and teasing has been levelled, which does not depict any accusation of rape. There is no medical report of the complainant on record. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that finding a prima facie case, cognizance has been taken under Section 376



IPC.

Considering the delayed lodging of the complaint, the accusation being not corroborated by any medical opinion and the fact that Sanha Diary Entry was made on 27.11.2012, prior to the lodging of the present complaint, where accusation of ravishing the complainant has not been alleged, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jehanabad in connection with Complaint Case No. 1021 of 2012, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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