

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8282 of 2020

Arising Out of PS. Case No.-531 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Pradhumana @ Praduman Kumar Son of Ganga Pandit, Resident of Village-
Mahna Khankheta Tola, P.S.- Barauni, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 07-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State through Video Conferencing.

In this case, the petitioner is seeking regular bail in connection with Muffasil P.S. Case No. 531 of 2019 registered for offence punishable under sections 363 and 366 of the Indian Penal Code.

As per FIR, allegation has been made by father of the victim that his daughter had gone to see Mela from where she did not return, later on, it transpired that the present petitioner had taken away his daughter to Chennai and committed rape on her. In the statement recorded under section 164 Cr. PC, the court below has assessed the age of the victim as 19 years. She has declared her age as 19 years whereas the doctor has assessed



her age as 15 to 17 years. The doctor has given his opinion of having no sexual intercourse with the victim lady.

The learned counsel for the petitioner submits that the victim is a married lady having one child and even there was a sex with the petitioner and lady, it was a consensual sex and during the entire period of journey, the victim has not raised any alarm to attract the attention of the public sitting in the train.

The learned counsel for the State submits that her age has been assessed by the doctor as 15 to 17 years and she herself has stated that she was put to sexual assault.

Having considered the rival contention of the parties, from the statement of victim recorded under section 164 Cr.P.C. itself appears that first she had gone to Hathidah Railway Station and from where, both caught train and went to Chennai and during that period, she never raised any alarm, inasmuch as the victim lady is a married lady and she has declared her age 19 years and the court below has also assessed her age 19 years.

Looking to the entirety of the fact, the petitioner is directed to be enlarged on regular bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in



connection with Muffasil P.S. Case No. 531 of 2019, subject to the condition that one of the bailors of the petitioner shall be a close relative. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Shivaji Pandey, J)

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