

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73786 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- COMPLAINT CASE District- Kishanganj

Taslim @ Md. Taslim @ Md. Taslim Alam Minor Son of Hulasu @ Ali Hussain (Under the guardianship of his father) Resident of Motihara (Belwa), P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anjila Begum D/O - Kalimuddin Resident of Village - Pathkoi Khurd, P.S.- Kochadhaman, District- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha
For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 363 and 376 of the Indian Penal Code.

The prosecution case as per the written report of Anjila Begum submitted to the Station House Officer of Kishanganj Mahila Police Station is to the effect that 18.03.2018 at 4.00P.M., the informant along with two girls went to maize field to cut grass, in the meantime, the petitioner ravished her.

It is submitted by learned counsel for the petitioner



that for the alleged occurrence of 18.03.2018, the written report was submitted on 02.04.2018 and on conclusion of the investigation, the petitioner was not sent up for trial but differing with the final form, cognizance has been taken on the basis of Protest -cum- Complaint Case No. 3C of 2019. It is further submitted that the medical report also does not corroborate the accusation of rape. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits, however, submits that the accusation is specific in the FIR as well as in protest -cum- complaint petition.

Considering the delayed lodging of the case, accusation of rape not being corroborated with the medical opinion and on conclusion of the investigation, the petitioner was not sent up for trial, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Additional District & Sessions Judge-I -cum- Special Judge, Kishanganj in connection with Complaint Case No. 3C



of 2019, arising out of Kishanganj Mahila P.S. Case No. 14 of
2018, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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