

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21511 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- TIKAPATTI District- Purnia

RAJVIR KUMAR S/o Aghori Mahto R/o- Akowa, P.S.- Dagarua, District-
Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Fazle Karim

For the Opposite Party/s : Mr.Sanjay Kumar Tiwari, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

7 04-01-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Tikapatti P.S. Case No. 12 of 2020, disclosing offences punishable under Sections 341, 342 and 376 of the Indian Penal Code.

The occurrence is said to have taken place on 31.01.2020 at 3.30 P.M. As per the First Information Report, the petitioner had entered into the house of the informant and after bolting the door from inside had committed rape on her.

Case diary has been called for which is there on record.

Statement of the victim recorded under Section 164 of the Cr.P.C. has been reproduced in paragraph 31 of the case



diary in which the victim has reiterated the allegation of the commission of rape on her.

Be that as it may, there are two circumstances, which are significant for the purpose of consideration of the present application for bail. Firstly, the victim was examined by expert on the very next date of the alleged occurrence, i.e, 01.10.2020 but the medical report does not suggest any evidence of physical assault on the victim. Secondly on the one hand, it is the informant's allegation that the petitioner had bolted the room from inside and committed rape on her, her niece is said to have seen the petitioner inside the room on her return from the agricultural field.

It has been submitted on behalf of the petitioner that as matter of fact the petitioner's mobile phone was snatched by the informant's husband and when petitioner threatened to lodge a criminal case against him, the petitioner has been implicated in the present false criminal case.

Be that as it may, considering the circumstances noted above, a case for grant of anticipatory bail is made out. This application is allowed.

Let the petitioner above-named in the event of his arrest or surrender within six weeks from today in the court



below 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 Judicial Magistrate First Class, Purnea in Tikapatti P.S. Case No. 12 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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