

(2024) 05 JH CK 0026
In the Jharkhand High Court
Case No : A.B.A. No. 10805 Of 2023

Rahul Kumar @ Rahul Kumar Sahni

APPELLANT

Vs

State Of Jharkhand And Another

RESPONDENT

Date of Decision : 14-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 376
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2024) 05 JH CK 0026

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Kaushik Sarkhel, Lalit Yadav, S.K. Shukla, Abhishek Kumar

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel for the petitioner as well as the learned counsel for the State and the learned counsel for the O.P.No.2.
2. The petitioner is apprehending his arrest in connection with Dumka (Town) P.S. Case No.251 of 2023, for the offence registered under section 376 of the IPC, pending in the court of learned Chief Judicial Magistrate, Dumka.
3. Learned counsel for the petitioner submits that the false allegations are made and the case is registered under section 376 of the IPC. He draws the attention of the Court to the order of the learned Sessions Judge wherein it has been recorded that the victim has refused to go for her medical examination before the police and pursuant to notice the learned counsel for the O.P.No.2 has appeared and he submits that due to misconception the case has been lodged and now the compromise is annexed as Annexure-2.
4. Learned State counsel submits that the compromise is there and the case is registered under section 376 of the IPC and in view of that, the privilege of anticipatory bail to the petitioner may not be provided.

5. It has come in the order of the learned Sessions Judge that victim has refused to go for medical examination before the police and in a case like this, the medical examination is necessary and further the compromise has taken place between the parties, and in the attending facts and circumstances, I am inclined to provide privilege of anticipatory bail to the petitioner.

6. Accordingly, the petitioner, above named, is hereby directed to surrender before the learned court within three weeks from today, and in the event of his surrender/arrest, the petitioner, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Dumka, in connection with Dumka (Town) P.S. Case No.251 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.