

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19802 of 2015

Arising Out of PS.Case No. -173 Year- 2013 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Sk. Kasim son of Sk. Yunush resident - Bhawanipur, Mauje, P.S.-
Nakrdei District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Veena Rani Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Adapur P.S. Case No. 173 of 2013 registered for the offences
punishable under Sections 366, 120B/34 of the Indian Penal
Code.

Allegedly, the daughter of the informant was
kidnapped by the petitioner and others and kept confined in the
house of the petitioner and thereafter, the informant tried to get the
matter resolved on social level but in vain and the daughter of the
informant was left in the field on 18.11.2013. In the statement

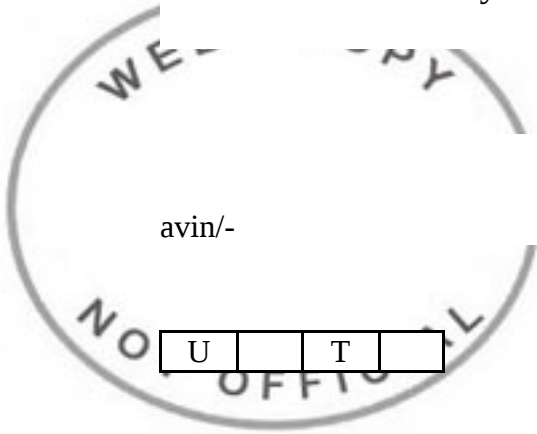
recorded under Section 164 Cr.P.C. the victim has stated that the petitioner and other four accused committed rape with her and after one day other co-accused also committed rape with her.

Submission is of false implication and that FIR has been lodged after much delay. No offence as alleged is made out, after recovery of the victim the FIR was lodged but there was no allegation of rape but victim in her statement has alleged regarding the rape committed upon her which appears not reliable. Two co-accused have been allowed regular bail whereas ladies accused have been allowed pre-arrest bail by another Bench of this Court, as such, the petitioner also deserves sympathetic consideration to which the learned APP opposes by submitting that from perusal of the impugned order it reveals that the victim in her statement recorded under Section 164 Cr.P.C. has stated that the petitioner and others have committed rape with her.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner in the statement of the victim recorded under Section 164 Cr.P.C., this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then his

prayer for bail shall be considered on its own merit on the same
day without being prejudiced by the present order.



(Jitendra Mohan Sharma, J)

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