

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25096 of 2014

Arising Out of PS.Case No. -160 Year- 2011 Thana -SALKHUA District- SAHARSA

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1. Md. Zakir @ Punna S/o Md. Harun Resident of Village Tarha, Police Station Salkhua, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 19-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Salkhua P.S. Case No. 160 of 2011 registered for the offences punishable under Sections 147, 323, 376, 380, 452, 504/34 and 120B of the Indian Penal Code.

Allegedly, the petitioner allured the minor daughter of the complainant/informant and committed rape upon her by giving false assurance that he will solemnize marriage with her and thereafter, the petitioner declined to marry and when she became pregnant then the complainant went at the house of the petitioner to ask, then all the accused persons assaulted and after entering into the house of the complainant/informant took away valuable

worth Rs. 40,000/-.

Submission is that it is out and out a false case. The daughter of the informant is a girl of loose character and she has got illicit relation with many boys and for that reference has been made vide paragraph 56 and 57 of the case diary to which the learned APP opposes by pointing out that further statement of the informant vide paragraphs 5 and 7 of the case diary.

Considering the submissions urged at bar, after going through the records and noticing that besides the victim other witnesses have also supported that the petitioner committed rape on the pretext of marriage with her and considering the allegations to be heinous in nature, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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