

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20553 of 2015

Arising Out of PS.Case No. -24 Year- 2014 Thana -ANGADH District- PURNIA

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Soaib Alam @ Soail Akhtar Son of Faziruddin, Resident of Village -
Mujabari, P.O. + P.S. - Kochadhaman, District -Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satish Kumar Sinha, Advocate.

For the Opposite Party : Mr. Uday Chandra Prasad (APP)

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

3 23-07-2015 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the informant.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 376, 365, 120B and 504 of the I.P.C.

Allegedly, the petitioner after giving assurance to marry with the informant developed sexual relationship with her and when she became pregnant the petitioner refused to marry with her. The talk going on between the petitioner and the informant has also been recorded wherein the petitioner has agreed to marry with her, but now he and other co-accused are causing threats to kill her.

Submission is of false implication and that cousin of



the petitioner, namely, Gul Mohammad had filed Complaint Case No. 1517 of 2013 against father of the informant and others and in retaliation the informant's father too had filed a case vide Kochadhaman P.S. Case No. 255 of 2013 and the petitioner has assisted his cousin and for that this case has been lodged. During investigation in further statement the informant has stated regarding love affairs going on between the petitioner and the informant and as such no offence of rape is made out. Further no specific date of occurrence is given in the complaint petition.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner allured the informant for marriage and committed rape with her and when she became pregnant the petitioner brought her to hospital for abortion and from there he fled away. The witnesses vide paragraphs- 7 to 11 of the case diary have supported the allegation and the doctor who has examined the informant has assessed her age between 14 to 17 years vide paragraph-45 of the case diary and as such there is no question of consent.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to grant privilege of pre-arrest

bail to the petitioner and accordingly his such prayer stands rejected in connection with Angarh P.S. Case No. 24 of 2014, G.R. No. 4076 of 2014 pending in the court of C.J.M. Purnea.

(Jitendra Mohan Sharma, J)

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