

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36052 of 2014

Arising Out of PS.Case No. -35 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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Amit Kumar Das son of Krishna Kumar Das, R/o village- Dihlahi, P.S.-
Bishanpur, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Ramchandra Singh(App)

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

3 09-04-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Darbhanga Mahila P.S. Case No. 35 of 2014 registered for the
offences punishable under Sections 342, 376D, 323/34 of the
Indian Penal Code.

Allegedly, the informant went to see the fair on the
occasion of Chaiti Durga in the night of 7.4.2014 and she was
returning to her house at 4.00 am and as soon as she reached near
the house of Dukhi Das the petitioner and other co-accused caught
her and brought her in the house of Dukhi Das where she was
rapped by the petitioner and others and when the information was
going to be given, the accused persons and others assaulted them.

Submission is of false implication and that love

affairs in between the petitioner and informant was going on. The victim has been married with another person and now the matter has been compromised and a joint compromise petition has been filed in the court of learned S.D.J.M., Darbhanga. It has further been submitted that the FIR has been lodged after four days of the occurrence and the medical evidence also does not support the allegation, to which the learned APP opposes by submitting that the victim girl has been found aged about 15-16 years and this is a case of gang rape.

Considering the allegation attributed against the petitioner, 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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