

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10278 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -KORHA District- KATIHAR

1. Sanjay Kumar S/o Nagendra Chaudhary
2. Rita Kumari W/o Sanjay Kumar Both are Resident of Village Rasulpur
Ogti, P.S. Mahua, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar & Ors.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Shakir Ahmad(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-07-2015 Heard learned counsel for the petitioners, learned counsel representing the State and learned counsel for the opposite party nos. 2 and 3.

Petitioners apprehend their arrest in connection with Korha P.S. Case No. 30 of 2014 registered for the offences punishable under Sections 376, 364, 366, 420, 120B of the Indian Penal Code.

Allegedly, petitioner no. 1 after developing intimacy with the family members of the victim took away the minor daughter of the informant forcibly and brought her at Kolkata, committed rape upon her and further obtained signatures on so many papers and thereafter, she was brought at Rasulpur where

petitioner no. 2 kept her confined and both conspired to finish the informant's daughter to grab the policy standing in her name.

Submission is of false implication and that no such offence has been committed, complaint case has been filed after two years of the occurrence, as a matter of fact, the daughter of the informant solemnized marriage with petitioner no. 1 and, as such, no offence under Section 376 of the Indian Penal Code is made out and name of petitioner no. 2 has falsely been dragged in this case. Matrimonial case has also been filed by the daughter of the informant and, as such, petitioners deserve sympathetic consideration to which the learned APP duly assisted by learned counsel for the opposite party nos. 2 and 3 opposes by submitting that the delay has occurred as the informant was filing petition after petition before the S.P., Katihar and the informant was also engaged in marriage of his elder daughter but petitioner no. 1 along with others again tried to kidnap the daughter of the informant on 07.03.2012, then the complaint case was filed.

In the facts and circumstances stated above, considering the allegation against the petitioners serious in nature, petitioner no. 1 being married committed rape with the daughter of the informant, kept her confined and petitioner no. 2 assisted him in keeping the victim confined, as such, this Court is not persuaded

to grant the privilege of pre-arrest bail to the petitioners,
accordingly, their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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