

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42469 of 2015**

Arising Out of PS.Case No. -173 Year- 2014 Thana -ARA MUFFSIL District- BHOJPUR

1. Ganesh Rai son of Jugati Rai  
2. Dharmendra Rai son of Nand Kishore Rai  
3. Lallu Rai son of Rajendra Rai  
All residents of village- Jamira, P.S. Ara (Muffasil), District-  
Bhojpur (Ara)

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate  
: Mr. Sarveshwar Tiwary, Advocate  
For the Opposite Party/s : Mrs. Sangita Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2 13-10-2015 Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners seek pre-arrest bail in connection with  
Ara Mufassil P.S. Case No.173 of 2014 registered under sections  
366A, 341, 342, 323, 376B and 506/34 of the Indian Penal Code.

It is contended that there is inordinate delay in institution  
of the FIR and the allegations made therein are highly improbable.  
Further, prior to the institution of the FIR, one Ramendar Rai @  
Ravindra Rai, a close relative of the accused persons, had  
instituted an FIR against the son of the informant and others.

Be that as it may, regard being had to the serious nature

of allegations made in the FIR wherein it has been alleged that the daughter of the informant was abducted and repeatedly raped by the accused persons, I am not inclined to grant pre- arrest bail to the petitioners. Accordingly, the application under section 438 of the Code of Criminal Procedure is rejected.

In case the petitioners surrender and seek bail, the same shall be considered on its own merits without being prejudiced in any manner by the order passed by this Court.

**(Ashwani Kumar Singh, J)**

Md.S./-

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