

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22683 of 2015

Arising Out of PS.Case No. -13 Year- 2014 Thana -SARAI RANJAN District- SAMASTIPUR

Sri Ram Choudhary Son of Sri Naresh Choudhary Resident of village -
Darhar, Police Station - Bahadurpur, District - Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Advocate.

For the Opposite Party : Mr. Dr.Indiwar Kumari (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-09-2015 Heard learned counsel for the petitioner as well as
learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 363, 366A and 34 of the I.P.C.

Allegedly, Khushbu Kumari aged 16 years, the younger sister of the informant, did not return after coaching and it has been alleged that she has been kidnapped with the purpose of marriage and on mobile one Akhilesh Choudhary informed that he has married with her. During investigation the victim girl came at the police station and her statement has been recorded under section 164 Cr. P.C. wherein she has named the petitioner that he along with two others brought her at the house of the petitioner

and the petitioner offered to marry with her to which she refused and then the petitioner committed rape upon her.

Submission is of false implication. The petitioner is driver and brother of the victim is also driver and because of their rivalry he has been implicated. The victim went out of her own will. The victim is aged about 18 years as is evident from the registration card issued by the Bihar School Examination Board and now compromise petition has also been filed and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. seriously opposes.

Considering that in her statement recorded under section 164 Cr.P.C. the victim has named the petitioner that he along with two others kidnapped her and thereafter committed rape with her and as such finding it not a fit case for pre-arrest bail, prayer of the petitioner stands rejected in connection with Sarairanjan P.S. Case No. 13 of 2014 pending in the court of Sri Sankash Chandra, J.M. 1st Class, Samastipur.

(Jitendra Mohan Sharma, J)

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