

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29076 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -DESARI District- VAISHALI(HAJIPUR)

Sona, S/o Md. Attaullah, resident of village- Zafrabad, P.S.- Desari,
District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Md.Ataur Rahman (APP)

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

4 08-01-2015 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks the privilege of pre arrest bail
in connection with Desari P.S. Case No. 47 of 2013 registered
for the offence under Sections 376(G) (2) of the Indian Penal
Code.

Allegedly, the petitioner caught the hand of the
informant and with the help of other co-accused took away her
in the wheat field of Chandeshwar Singh, the petitioner pressed
the mouth and then other co-accused committed rape with her.

Submission is that the police after investigation
has not sent up the petitioner and charge-sheet has been
submitted only against other co-accused, due to land dispute
the name of the petitioner has been given. Co-accused
confessing his guilt also has not named the petitioner and as
such he deserves sympathetic consideration to which the

learned APP opposes by submitting that the victim has named the petitioner which is sufficient.

In the facts and circumstances stated above, considering that the victim has stated the name of the petitioner regarding his active participation in the crime which gave way for other co-accused to commit rape with her and as such, this Court is not persuaded to grant the privilege of pre arrest bail to the petitioner.

Accordingly, his prayer for anticipatory bail stands rejected.

(Jitendra Mohan Sharma, J)

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