

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44001 of 2016

Arising Out of PS.Case No. -106 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Arjun Rai, S/o Rama Adhar Rai, R/o Village - Saguniya, P.S. Chiraiya, District East
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate.

Mr. Arun Kumar Siknha, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.PP.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in connection with Chiraiya
P.S. Case No. 106 of 2014 dated 16.05.2014 registered under Sections 365
and 366A/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with co-
accused had forcibly abducted the minor girl of the informant.

Learned counsel for the petitioner submits that the story made
out in the F.I.R. is unbelievable as it cannot be said that a girl, who has
been abducted from the district of East Champaran, would be located so
easily in Patna by the informant. It is further submitted that the girl, though
has deposed against the petitioner in her statement under Section 164 of the
Code of Criminal Procedure, 1973, but the same is tutored and not correct.
It is further submitted that the dispute is with regard to the land purchased

by the father of the petitioner, which is adjacent to that of the informant and there is pending land dispute between them.

Learned A.P.P. opposes the prayer and submits that in the statement before the court, the victim girl has categorically stated with regard to the petitioner also having raped her. It is further submitted that the age of the victim girl is about 13 years and the petitioner is a grown up adult and thus, has committed a criminal offence by taking her away. It is further submitted that even the story of false implication, due to land dispute, is falsified for the reason that the said land was purchased by the father of the petitioner in the year 2007 and the case has been lodged only in the year 2014 and thus, after seven years, the plea of land dispute between the two plots is not plausible.

Having considered the rival contentions, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the court below, within one month from today, and seeks regular bail, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

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