

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7974 of 2017

Arising Out of PS.Case No. -98 Year- 2016 Thana -KARAKAT District- SASARAM (ROHTAS)

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1. Mithlesh Kumar @ Mithlesh Paswan, Son of Gorakh Paswan, Resident of village - Bhusahula, P.S. Darihat, District – Rohtas Petitioner/s

Versus

1. The State of Bihar

2. Anshu Kumari, D/o Sukar Ram, Resident of village - Kaupa, P.S. Karakat, District - Rohtas (Bihar) Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner, and the learned counsel representing the State.

The petitioner apprehends his arrest in connection with Karakat P.S Case No. 98 of 2016 registered for the offences punishable under Sections 366-A and 376/34 of the Indian Penal Code and Section 4 of POCSO Act.

Allegedly, the petitioner and co-accused Subodh Paswan kidnapped the informant and after boarding her in a vehicle, brought her at Arrah and from there, the petitioner brought her at Jam Nagar, Gujrat where the petitioner developed physical relationship with her and also used to assault her. Thereafter, the petitioner brought her at the house of his maternal uncle and informed his parents. The parents came and directed the petitioner not to marry with the informant and also they started a



plan to kill her then anyhow the informant fled away from there to her parental house.

Submission is of false implication and that the petitioner had performed marriage with the informant but being instigated by her parents, the informant has lodged this false case, no offence, as alleged, is made out against the petitioner. The informant has voluntarily gone with the petitioner and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the informant in her statement recorded under Section 164 Cr.P.C. has stated regarding her kidnapping and also about her rape committed by the petitioner for six months which is recorded in para 88 of the case diary.

In the facts and circumstances stated above, considering the allegations attributed against the petitioner, I am not inclined to grant privilege of pre-arrest to him and accordingly, his such prayer stands rejected in connection with Karakat P.S. Case No. 98 of 2016 pending in the Court of learned A.D.J.-I, Sasaram (Rohtas).

(Jitendra Mohan Sharma, J)

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