

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35134 of 2017

Arising Out of PS.Case No. -2505 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

=====

Bahadur Choudhary, son of Late Bacchi Choudhary, Resident of Village-
Baluganj, P.S. Balrampur, District Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Bani Khatoon, wife of Md. Kurban, Resident of Village- Baluganj, P.S.
Balrampur, District Katihar.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
Mr. Birendra Kumar, Advocate

For the Opposite Parties : Mr. Ahmad Ali (APP-5)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned counsel for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 2505 of 2016, registered for the offences
punishable under Sections 147, 323, 380, 376/511 of the Indian
Penal Code.

Allegedly, due to land dispute the petitioner and
others used to commit over act and when in the evening the
complainant went near bamboo clamp for urinal, the petitioner
tried to commit rape with her and torn her cloths.

Submission is of false implication and that there is
land dispute against the complainant Rukmani Devi the wife of the
petitioner has filed Complaint Case No. 2456 of 2016 which is



earlier and thereafter this case has been lodged with false allegation. No offence under Sections 376/511 of the I.P.C. is made out, offence under Sections 380/ 511 of the I.P.C. is also not made out and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes the prayer of pre-arrest bail by submitting that against the petitioner there is specific allegation under Sections 376/511 of the I.P.C.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Complaint Case No. 2505 of 2016, pending in the Court of learned A.C.J.M.-VI, Katihar.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

