

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22391 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -ANTICHAK District- BHAGALPUR

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Vikash Kumar @ Bikash Kumar Son of Mahesh Mandal @ Upendra Mandal, Resident of Village- Dayalpur, P.S.- Antichak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Antichak P.S. Case No. 38 of 2016 registered for the offences punishable under Sections 342, 376 and 506 of the Indian Penal Code.

Allegedly, the petitioner committed rape with the informant after bringing her at Kajipura, Kahalgaon and thereafter gave assurance to marry with her and got her photographed. The petitioner thereafter started developing physical relationship with the informant always on the pretext to marry with her but later on he refused. The petitioner and his father caused threats to kill her if the case will be lodged through mobile.

Submission is of false implication and that the petitioner



has been implicated with oblique motive. No date has been given regarding the first offence. From F.I.R. itself, it reveals that the informant was consented party and as such, no offence under Section 376 of the Indian Penal Code is made out against the petitioner. However, the matter has been compromised and now good sense has prevailed between the parties.

Learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances, stated above, considering that at first the petitioner committed rape forcibly at the point of knife and later on consent was obtained on the assurance of marriage and as such, I am not inclined to grant privilege of pre-arrest bail of the petitioner and accordingly, the prayer for pre-arrest bail is rejected.

(Jitendra Mohan Sharma, J.)

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