

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8025 of 2017

Arising Out of PS.Case No. -61 Year- 2016 Thana -NIYAMCHANDPUR District- BEGUSARAI

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1. Anket Choudhary @ Aniket Choudhary, S/o Ashok Choudhary, R/o
village - Amaur, P.S. Neema Chandpura, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Ahtash Ali Khan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-03-2017 Supplementary affidavit has been filed on behalf of the

petitioner annexing the copy of complaint petition no. 96C of 2016

lodged by Rinku Kumari and also her deposition during inquiry.

Let it be kept on record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Chandpura P.S. Case No. 61 of 2016, registered for the
offences punishable under Sections 341, 323, 354, 376, 313, 504,
506/34 of the Indian Penal Code.

Allegedly, the petitioner finding the informant alone
in her house on 02.05.2013 forcibly developed physical
relationship with her and when she opposed, the petitioner assured
to marry with her, resulting, time to time the petitioner used to
develop physical relationship with her resulting, she became
pregnant, she was aborted forcibly but when the petitioner refused



to marry with her then she lodged this case

Submission is of false implication and that with similar allegation complaint case has also been filed wherein after inquiry cognizance has been taken under Sections 420 and 323 of the I.P.C. only as the complainant has admitted during cross-examination that it was consensual sex and both are major. F.I.R has been lodged after much delay of three years and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that the informant in her statement recorded under Section 164 Cr.P.C. has supported the allegation of rape and, as such, the petitioner does not deserve pre-arrest bail.

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 to him and accordingly his such prayer stands rejected in connection with Neema Chandpura P.S. Case No. 61 of 2016, pending in the Court of learned J.M. 1st Class, Begusarai.

(Jitendra Mohan Sharma, J.)

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