

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31475 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -MAHILA P.S. District- BHOJPUR

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Baban Kumar Nirala @ Baban Kumar, Son of Rameshwar Paswan,
Resident of Village- Mishrawalli, P.S Sakurabad, District Jehanabad, At
Present Resident of Village- Bahiro, P.S. Ara Nawada, District Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party : Mr. Sri Bharat Lal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 19 of 2017, registered for the offences
punishable under Sections 323, 376, 406, 420, 504, 506/34 of the
Indian Penal Code.

Allegedly, the petitioner used to commit sexual
assault with his own niece who is student of B.tec. in NSIT, Bihta
and further used to caused threats.

Submission is of false implication and that due to
family dispute this false case has been lodged. The independent
witnesses have not supported the prosecution version during
investigation, vide para 10 and 11 of the case diary and, as such,



the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the victim in her statement recorded in para 7 of the case diary has supported the allegation of rape committed by the petitioner.

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 Mahila P.S. Case No. 19 of 2017, pending in the Court of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara.

(Jitendra Mohan Sharma, J.)

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