

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9066 of 2017

Arising Out of PS.Case No. -148 Year- 2016 Thana -SIDHWARA District- DARBHANGA

=====

Md. Sultan @ Sultan, S/o Harron Raseed @ Md. Haroon, resident of
Village- Sahanpur, Bujurg, P.S. Singhwara, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Dharmendra Jha, Advocate

For the Opposite Party : Mr. Parmanand Kumar (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 29-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Singhwara P.S. Case No.148 of 2016, registered for the
offences punishable under Sections 341, 323, 376, 504/34 of the
Indian Penal Code.

Allegedly, the petitioner developed intimacy with
the informant and one day he brought her at Darbhanga and got
acquainted with her parents, again he brought at Darbhanga and
after bringing her in a lonely place of at Government Madarsa,
forcibly committed rape with her and when the informant told him
to narrate this incident to her maternal uncle and aunti then he
gave assurance to marry with her and on that believe he used to



bring her at Madarsa and developed physical relationship. Again inspite of objection of the informant, the petitioner developed physical relationship and thereafter he told that he will not marry with her.

Submission is of false implication and that no offence under Section 376 of the I.P.C. is made out as it was consented sex. The informant is major one, she went with the petitioner out of her own sweet will and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioner has first committed rape forcibly and lastly also committed rape forcibly after showing fear of life and, as such, the petitioner does not deserves 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 bail to him and accordingly his such prayer stands rejected in connection with Singhwara P.S. Case No. 148 of 2016, pending in the Court of learned Chief Judicial Magistrate, Darbhanga.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

