

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59812 of 2017

Arising Out of PS. Case No.-67 Year-2017 Thana- GAMAHARIYA District- Madhepura

Gagan Kumar, Son of Avani Kumar alias Munna Hajara, resident of village-
Khadh, Ward No. 10, Police Station- Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate
For the Informant	:	Mr. Rajeev Kumar, Advocate
For the State	:	Mr. Madhura Nand Jha (APP-102)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 25-01-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Gamharia P.S. Case No. 67 of 2017, registered for the offence punishable under Section 366-A of the Indian Penal Code.

Allegedly, the petitioner and other F.I.R. named accused persons kidnapped the daughter of the informant and taken away in Bolero vehicle. During investigation, the victim girl was recovered and her statement has been recorded under Section 164 Cr.P.C. wherein she has alleged that the petitioner committed rape with her.

Submission is of false implication and that in the F.I.R.



the date of occurrence is 16.05.2017 whereas in the statement of the victim girl the date of occurrence is 14.05.2017, so no reliance can be placed upon statement of the victim girl. During investigation, it has come that there was love affair between the petitioner and the victim girl and the victim girl went away with her own will but later on under pressure she has given her statement recorded under Section 164 Cr.P.C.. The doctor has found her age as 17-19 years and, as such, he deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes the prayer of pre-arrest bail by submitting that the petitioner forcibly committed rape with the victim girl. Minor contradiction cannot be considered at this stage.

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 Gamharia P.S. Case No. 67 of 2017, pending in the Court of learned A.C.J.M.-IV, Madhepura.

(Jitendra Mohan Sharma, J.)

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