

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27868 of 2018

Arising Out of PS.Case No. -8 Year- 2009 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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Hari Shankar Mahto, son of Deepa Mahto, resident of Village- Tahkaul,
Police Station- Gaunaha, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his prayer for grant of pre-arrest bail on the ground of compromise in a case under Section 376 of the Indian Penal Code. His prayer for pre-arrest bail was earlier rejected by this Court vide order dated 17.12.2013 passed in Cr.Misc. No. 52465 of 2013. Since then, he has not appeared before the court.

It is apparent that while avoiding his appearance before the court, the petitioner is trying to tamper with the evidence in order to secure grant of pre-arrest bail. The offence punishable under Section 376 of the Indian Penal Code is not compoundable one. In such kind of offence compromise cannot be a ground for grant of pre-arrest bail. The application is rejected.



The Superintendent of Police, West Champaran is directed to personally look into the issue as to how an accused of a case under Section 376 of the Indian Penal Code while absconding from the clutches of law is trying to influence the prosecution witness.

Let a copy of the order be sent to the Superintendent of Police West Champaran.

(Ashwani Kumar Singh, J)

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