

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9881 of 2018

Arising Out of PS.Case No. -8 Year- 2012 Thana -MAHILA PS District- JAMUI

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1. Md. Jamshed Ansari @ Jamshed Mian, son of Chamroo Mian,
resident of village- Chauki Tanr, Police Station- Kahira, District-
Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Jamal, son of late Jahuri Mian, resident of Village, Chaukitarn,
P.S. Khaira, District - Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 26-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Mahila P.S. Case No.08 of 2012** instituted for the offence under Section(s) 376, 323, 504 and 120(B)/34 Indian Penal Code pending in the Court of the **Chief Judicial Magistrate, Jamui.**

In the written report, there is specific allegation against the petitioner of committing rape with daughter of informant. It is further mentioned in the written report that before *Panches* petitioner agreed to perform marriage with daughter of informant, but he did not perform the marriage. *Panchayatnama* has also been enclosed as part of the First Information Report.



The counsel for the petitioner submits that compromise petition has been filed between the parties in the Court below, which has been annexed as Annexure-3.

In the compromise petition, there is no mention about marriage having been performed between the parties. It is only stated that dispute has been amicably settled between the parties. The offence under Section(s) 376 Indian Penal Code is not compoundable.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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Rohit Kr.

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