

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46777 of 2018

Arising Out of PS.Case No. -276 Year- 2017 Thana -BARARI District- KATI HAR

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1. Md. Ashfak, son of Shish Md. @ Sis Mohammad, resident of Village-
Baisha Govindpur, P.S. Barari (Semapur), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 08-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Barari**
(Semapur) P.S. Case No.276 of 2017 instituted for the offence
under Section(s) 376 Indian Penal Code pending in the Court of
the **Additional Chief Judicial Magistrate, V, Katihar.**

Prayer of the petitioner for grant of anticipatory bail
was earlier rejected by this Court by order dated 13.02.2018
passed in Cr. Misc. No.57998 of 2017.

It is mentioned in the aforesaid order that the victim
girl in her statement under Section 164 Cr. P.C. has levelled
specific allegation of committing rape against the petitioner.

Counsel for the petitioner submits that, now,
compromise has taken place between the parties and compromise



petition has been filed in the Court below.

This Court finds that offence under Section(s) 376 Indian Penal Code is not compoundable.

Therefore, this Court is not persuaded to reconsider the prayer for grant of anticipatory bail.

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

Petitioner is directed to surrender in the Court below and make prayer for regular bail, which will be considered and disposed off by the Court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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