

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59090 of 2019

Arising Out of PS. Case No.-124 Year-2015 Thana- VIDYAPATINAGAR District-
Samastipur

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Rupak Kumar Singh Son of Om Prakash Singh Resident of Mohalla -
Chamtha, P.S.- Bachhwara, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat
For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-09-2019 The defects pointed out by the Stamp Reporter are

ignored.

Heard learned counsel for the petitioner.

This application under Section 438 of the Code of Criminal Procedure has been filed by the petitioner for grant of pre-arrest bail in connection with Vidyapati Nagar P.S. Case No. 124 of 2015 registered under Sections 363, 328, 376(2)(g) read with 34 of the Indian Penal Code.

Learned counsel appearing for the petitioner submitted that after institution of the case the circumstances have changed. The family members of the informant have accepted the petitioner as the husband of the victim and in this regard an affidavit has been filed on behalf of the mother of the



victim.

Having heard learned counsel for the petitioner and perused the materials on record, I find that this is the second attempt by the petitioner for grant of pre-arrest bail in a case of gang rape. His earlier application was rejected by this Court vide order dated 11.04.2016 passed in Cr.Misc. No. 2093 of 2016.

The case of the prosecution is based on the written statement of the victim dated 24.06.2015 wherein she has stated that she is aged about 14 years and is a student of Class-IX. For the last one month, the petitioner was following her. On 20.08.2015, after taking meal, when she was sleeping in her house in the night, someone knocked the door of her house. When she opened the door, the petitioner Rupak Kumar Singh and his accomplices Guddu Singh and Nawal Kishore Rai caught hold of her and took her to a wine shop. When she raised alarm, they administered an injection as a result of which she became unconscious. In the morning of 21.08.2015, when she regained consciousness, she found herself confined in a room in a naked condition. She noticed that she was ravished. Somehow, she broke open the door and came back to her house.

The allegations made in the FIR are quite serious. The



prayer for grant of pre-arrest bail of the petitioner was rejected more than three years ago. Since then, he is evading arrest. While evading arrest, he is tampering with the evidence also by obtaining affidavit of the mother of the victim.

In any view of the matter, since the offence of gang rape being non-compoundable and the victim in the present case is a minor aged 14 years, offences under the Protection of Children from Sexual Offences Act would also be applicable, I see no reason to take a different view of the matter. The application is rejected once again.

(Ashwani Kumar Singh, J)

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