

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47712 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- TIKAPATTI District- Purnia

Sajna Kumar Son of Khushi Lal Mahto Resident of Village-Goriyar Mal Tola,
P.S.-Tikapatti, District-Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dineshwar Tiwary
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed by the petitioner for grant of pre-arrest bail in connection with Tikapatti P.S. Case No. 39 of 2018 registered inter alia under Section 376/511 of the Indian Penal Code. The application for grant of pre-arrest bail of the petitioner was earlier rejected by this Court vide order dated 28.09.2018 passed in Cr.Misc. No. 57602 of 2018.

It is submitted by the learned counsel for the petitioner that both the victims have amicably settled the matter with the petitioner. They have also filed an application in the court of Judicial Magistrate 1st Class, Purnea stating therein that they do not want to contest the case. He contended that in view of the changed circumstance, the petitioner is entitled for grant



of pre-arrest bail.

The offence punishable under Section 376/511 of the Indian Penal Code is not compoundable in nature. The alleged occurrence of offence took place on 23rd March, 2018. In spite of rejection of application for grant of pre-arrest bail on 28.09.2018, the petitioner has not surrendered before the court till date. While absconding in the case, it appears that the petitioner has also made an effort to tamper with the evidence. The alleged compromise petition said to have been filed by the victims of the crime cannot be a ground for reconsideration of pre-arrest bail application.

In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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