

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59609 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Saharsa

NITISH KUMAR YADAV @ NITISH KUMAR, aged about 21 years, Male,
Son of Rampravesh Yadav, Resident of Village- Laxminiya (O.P.
Bajinathpur), P.S.- Saur Bazar, District- Saharsa ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Saharsa Sadar Mahila P.S. Case No. 8 of 2019, pending in the
Court of the Additional District Judge, I, Saharsa, for the
offences alleged under Sections 342, 365, 366A, 376D and 34 of
the Indian Penal Code and 4 of the Protection of Children from
Sexual Offences Act, 2012.

The accusation is that minor daughter of the
informant, Rambha Devi, with the neighbouring girl, was
kidnapped by the petitioner with the help of other lady, named
in the first information report, both were raped and on the next
morning both were recovered by the villagers.

The learned counsel for the petitioner submits that
while the occurrence is said to be of the evening of 16.02.2019,



but, the first information report was lodged on 26.02.2019 and the statement of the victim was recorded on 05.03.2019, after 18 days, while the victim daughter was recovered on the next morning. In the statement as recorded under Section 164 of the Criminal Procedure Code, which is Annexure 2, it appears that the victim stated about committing rape on her and her girl friend.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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