

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14376 of 2020

Arising Out of PS. Case No.-30 Year-2015 Thana- MAHILA P.S. District- Araria

MUMTAZ @ MD. MUMTAZ S/O Md. Afaque @ Mangan Resident of Village - Chilhaniya, Police Station - Mahalgaon, District - Araria (Bihar)-854325.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Bibi Gufrana W/o- Md. Wahid Resident of Village - Chilhaniya, Police Station - Mahalgaon, District - Araria (Bihar)-854325.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Subodh Kumar Barnwal, Advocate.
For the State	:	Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-08-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Araria (Mahila) P.S. Case No.30 of 2015 registered under Section 376 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Araria.

The accusation is of committing rape by this petitioner on the victim/informant/opposite party no.2, when she was alone in her house.

Learned counsel appearing on behalf of the petitioner submits that, earlier, the prayer of the petitioner for grant of privilege of pre-arrest bail was rejected by this Court vide order dated 27.01.2017 passed in Criminal Misc. No.54303 of 2016 on merit.



Further submission is that after rejection of the prayer of the petitioner for grant of privilege of pre-arrest bail vide order dated 27.01.2017 passed in Criminal Misc. No.54303 of 2016 by this Court, the statement of the victim/informant/ opposite party no.2 was recorded on 08.10.2018 by the Judicial Magistrate, in which she has clearly denied about committing rape on her by this petitioner and stated that she had lodged the present case at the instance of others due to land dispute, which would appear from Annexure-3 to this application.

Since the prayer of the petitioner for grant of privilege of pre-arrest bail has already been rejected by this Court vide order dated 27.01.2017 passed in Criminal Misc. No.54303 of 2016 on merit, as such, I am not inclined to reconsider the prayer of the petitioner for grant of privilege of pre-arrest bail. Accordingly, the prayer of the petitioner for grant of privilege of pre-arrest bail is again rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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