

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38844 of 2020**

Arising Out of PS. Case No.-126 Year-2020 Thana- PURAINI District- Madhepura

Rahul Kumar (Male) aged about 22 years, son of Late Umakant Yadav, resident of village- Dubahi, Subahi, Ward No. 11, P.S.- Puraini, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Navjot Yesu, Advocate  
For the State : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 13-07-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Navjot Yesu, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Puraini PS Case No. 126 of 2020 dated 03.08.2020, instituted under Sections 448, 376, 511, 506 of the Indian Penal Code.

4. The allegation against the petitioner is that he had tried to commit rape of the informant in her house at 2’O clock in the night and on cry raised, the other family members had come and he was detained in the house and when the police came, the room was opened. It was further alleged that the



petitioner used to put pressure on the informant, as her husband used to work outside, to establish physical relationship with threat that he would kill her son.

5. Learned counsel for the petitioner submitted that the allegation is false and that the petitioner had gone to the house of the informant to ask for return of the money which was taken by her family earlier from him. It was submitted that the police had come to the house of the informant and in their presence upon opening the room, the petitioner and the informant were found together and had there been correctness in the allegation, the police would have arrested the petitioner, but did not arrest him and on the next day, the case has been lodged. It was submitted that the petitioner has no other criminal antecedent. It was further submitted that the petitioner had gone to a marriage at night and when he met the relatives of the informant, he had asked for the money and they had threatened him and to save himself had taken shelter in the house of the informant and locked the room to save himself.

6. Learned APP, from the case diary, submitted that the petitioner has committed the offence and stands exposed completely. It was submitted that the plea that the petitioner had gone to a marriage where he asked for the money and was



threatened and had saved himself by locking the room of the informant, is also falsified by the fact that as some of the relatives of the informant had gone to the marriage, he thought it to be an opportune moment to go and commit the crime in the house of the informant knowing that she would be alone. It was submitted that witnesses have supported the prosecution story. Learned APP submitted that even if it is taken that there could have been some relationship between the petitioner and the informant, it was incumbent upon the petitioner and he was obliged not to get into any relationship with a married woman and was bold enough to come to her house from where he has been caught. It was contended that the story of the petitioner of saving himself by coming in the room of the informant and locking himself up is also patently false for the reason that a person who is running away to save himself from his assailants would never go to the house of those very assailants from whom he is running away to save his life. He submitted that the petitioner was absconding and there was paper publication and there was also service of proclamation and, in fact, he was arrested, but because of there being an order of no coercive steps against him in the present case, the police has released him on PR bound.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the petition stands dismissed.

9. Interim protection given to the petitioner under order dated 15.06.2021 stands vacated.

10. As the petitioner has taken advantage of the interim order of no coercive action against him, let learned APP communicate the present order to the Superintendent of Police, Madhepura. Registry shall also do the same forthwith.

**(Ahsanuddin Amanullah, J)**

J. Alam/-

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