

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84754 of 2023**

Arising Out of PS. Case No.-280 Year-2015 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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Dharmendra Kumar Thakur @ Dharmendra Kumar Son Of Late Ram  
Nawmi Thakur Resident Of Village - Kartaha, Jagdishpur, P.S. - Kartaha,  
District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate  
For the Opposite Party/s : Mr. M K Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      24-01-2024                      Heard Mr. Jai Prakash Singh, learned counsel  
  
appearing on behalf of the petitioner and the learned Additional  
  
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection  
with Sadar P.S. Case No. 280 of 2015, registered for the  
offences punishable under Sections 363, 342, 376 and 509/34 of  
the Indian Penal Code.

3. The allegation against the petitioner is of enticing  
away the victim and forceful solemnization of marriage and  
commission of rape.

4. It is submitted on behalf of the petitioner that from  
the narrations made in the FIR, it is evident that the alleged  
occurrence took place on 19.04.2015, but surprisingly, the FIR



was instituted on 03.06.2015. He further submits that in fact the victim voluntarily left her house and thereafter, marriage was solemnized but, subsequently, on a pressure made by the family members, she retracted from her statements/actions and supported the prosecution case. He further submits that now the dispute has already been compromised between the parties and thus, the present application for grant of anticipatory bail. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that apart from the fact that the victim is a minor and has supported the prosecution case, the prayer of the petitioner had already been rejected, earlier by the learned Sessions Judge in ABP No. 1823 of 2015 itself, and thereafter, the petitioner again approached before the learned Sessions Judge in ABP No. 3509 of 2023, after eight years, taking shelter of the compromise.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR is of 2015 and prayer of the petitioner had already been rejected by the learned Sessions Judge in the year 2015 itself, taking into consideration the specific nature of allegation of forceful marriage and commission of rape, this Court is not persuaded to



enlarge the petitioner on anticipatory bail.

7. Accordingly, the present bail application stands rejected.

8. Needless to observe that if the petitioner surrenders before the Court below, preferably within a period of four weeks, from today and applies for regular bail, the learned Court shall consider the prayer of the petitioner expeditiously, in accordance with law, without being influenced by the order of this Court.

**(Harish Kumar, J)**

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