

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10533 of 2015

Arising Out of PS.Case No. -402 Year- 2014 Thana -JAKKANPUR District- PATNA

Shivanand Tiwary @ Shiv Kumar Tiwary Son of Sri Ram Dulare Tiwary,
Resident of Indian Oil Corporation, Siara Hind Nagar, P.S. - Jakkanpur,
District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 06-07-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
14.10.2014 in a case registered for the offences punishable under
Sections 363 and 366 of the Indian Penal Code. Subsequently,
section 376 IPC was also added.

The prosecution case is that the informant
took his daughter-in-law Juli Kumari, grand son and grand
daughter to doctor. While returning home the informant and others
stayed near a temple when the informant went to purchase sweet
for the children but return he found the daughter-in-law and the
grand children missing. The occurrence is of 07.01.2014 when the



FIR was registered on 08.10.2014. The informant claims to have gone to the shop of the petitioner which was situated near the temple when the shop was found closed. Subsequently, the police arrested the petitioner on 14.10.2014 with the victim from Golabari under Howrah P.S. The victim gave her statement under Section 164 Cr.P.C. where she has stated that on knife point she was administered liquor and was ravished firstly at Patna in a hotel and thereafter at Kolkata.

It is submitted by learned counsel for the petitioner that it is a simple case of love affairs. The victim of her own went in the company of this petitioner and subsequently the victim was killed by her husband and other family members for which a separate FIR has been registered being Naubatpur P.S. Case No. 569 of 2014 and the husband of the victim is in custody. The investigation has already concluded.

This is not in dispute that the petitioner was aware about the fact that the victim is a married lady having two children.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner in connection with Jakkanpur P.S. Case No. 402 of 2014 pending in the court of learned Chief Judicial Magistrate, Patna.

Accordingly, the prayer for bail of the petitioner is rejected.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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