

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24225 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Dilip Choudhary @ Chhotu Choudhary Son of Dharam Choudhary
Resident of village- Ojha Tola, P.S.- Chakiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Mahila P.S.
Case No. 13 of 2015 registered for the offences punishable under
Sections 342, 370 A (I), 373, 506, 504, 323/34 of the Indian Penal
Code and Sections 4/6 POCSO Act.

Allegedly, the petitioner and his wife brought the
minor informant for working in Orchestra party and kept her at
Chakiya for 15 days where the petitioner committed rape with her
several times and on refusal she was threatened to kill and further
the petitioner was planning to sell her but she fled away and FIR
was lodged.

Submission is of false implication and that no medical examination has been done as to whether rape was committed or not. The petitioner is suffering in custody since 11.03.2015 without any legal and cogent evidence. No witness has seen the petitioner committing rape and as such, he deserves sympathetic consideration to which the learned APP opposes by submitting that the informant and her friend Santoshi Das in their statement recorded under Section 164 Cr.P.C. have supported the allegation of rape.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail of the petitioner stands rejected.

However, the trial court is directed to conclude the trial as per amended proviso of Section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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