

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45606 of 2014

Arising out of PS.Case No. -404 Year- 2011 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Mantun Paswan, Son of Late Chanar Paswan, R/o Village Patahi Roop,
P.S. Sadar, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhakar Jha, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 28-04-2015 Heard both sides.

The petitioner seeks bail in Sadar P.S. Case No. 404 of
2011 under Sections 363, 366, 376(G) of the Indian Penal Code
and 3(1)(x), (ii) and (12) of the SC/ST (Prevention of Atrocities)
Act.

The victim herself made very specific allegation that
Munna Sah, Baiju Sah @ Baiju Kumar Gupta, Mantun Paswan the
petitioner and Jainul @ Jaylal, kidnapped her and committed rape
with her one by one.

Learned counsel for the petitioner submits that the
victim made her statement under Section 164 Cr. P.C. and she
disclosed the name of only Munna Sah and Baiju Sah @ Baiju

Kumar Gupta that they kidnapped her and committed rape with her. The victim did not disclose the name of the petitioner. It is further submitted that Munna Sah and Baiju Kumar Gupta have been granted bail by the learned Vth Additional Sessions Judge, Muzaffarpur, vide order dated 03.02.2012 in B.P. No. 35 of 2012.

It appears on perusal of the record that the then Vth Additional Sessions Judge, Muzaffarpur, has not considered the facts in its true prospective and granted bail to two accused persons, Munna Sah and Baiju Sah @ Baiju Kumar Gupta, against whom there is very specific allegation that they have committed gang rape with the victim.

Since the trial is at the fag end and eight prosecution witnesses have already been examined, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected in Sadar P.S. Case No. 404 of 2011, corresponding to S. Tr. No. 84 of 2015/ Tr. No. 08 of 2015, pending before the court of Ist Additional Sessions Judge-cum-Special Judge, Muzaffarpur.

The Trial Court is directed to expedite the trial and conclude the same within three months from the date of receipt of this order.

The Superintendent of Police, Muzaffarpur, is directed to ensure the attendance of the remaining witnesses in court on the

date fixed for evidence so that the trial must be concluded within three months. If the trial is not concluded within the stipulated time, the petitioner may renew his prayer for bail firstly in the Trial Court.

Let the record be sent down to the learned court below forthwith.

U.K./-

(Prabhat Kumar Jha, J)

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