

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46597 of 2014

Arising Out of PS.Case No. -276 Year- 2014 Thana -ARARIA District- ARRARIA

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Firoz @ Md. Firoz, S/o Usfat, Resident of village- Azamnagar
(Kushiyargoan), P.S. & District- Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 16-02-2015 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is in custody since 20.6.2014 in connection with Araria P.S. Case No.276 of 2014 registered for the offences under Sections 363 and 366A/34 of the Indian Penal Code. In the charge sheet submitted subsequently, the petitioner has also been made accused under Section 376 I.P.C.

The learned counsel for the petitioner submits that the girl in question is admittedly a major and in the medical report submitted by the Doctor concerned, typed copy of which has been filed herewith, there is no sign of rape. However, in the statement under Section 164 Cr.P.C., the girl has specifically averred that the petitioner had kidnapped her and had taken her to several places

from her place of residence to Nepal and thereafter to Araria and, in the meanwhile, had subjected her to forcible act of rape on several occasions.

Considering the statement made by the victim girl, I am not inclined to grant bail to the petitioner. It is, accordingly rejected.

However, since the case is of the year 2014 and it has not yet been committed to the Court of Sessions, it is directed that the petitioner may renew his prayer for bail after six months if the trial of the case is not substantially proceeded.

(Anjana Mishra, J)

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