

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51785 of 2015

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1. Molajim Khan son of Late Bitan Khan. resident of Village- Dhumnagar
Belwa Tola, Post Office- Narkatiaganj, P.S.- Shikarpur, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 14-12-2015

Heard Mr. Verma for the petitioner and the A.P.P for
the State.

Petitioner is facing accusations punishable under
Section 341, 323, 376 and 406 of the Indian Penal Code vide
Shikarpur P.S. Case No. 34 of 2015 lodged by the victim girl.

Prosecution case in short is that the victim was a part
of the musical group run by the petitioner. She was under threat
forced to share bed with the petitioner. When the petitioner again
wanted to forcibly commit sexual offence on her, she retorted and
fled from the place and lodged the case. In the statement made
under Section 164 Cr.P.C., the victim girl has supported the
allegation of having committed rape on her against her will by the
petitioner.

Contention of the petitioner is that it was a case of

consent. Actually, when the petitioner did not pay a certain amount demanded by her, the case was lodged. Petitioner is in custody since 28.08.2015.

Considering the submission of the parties, the allegation and the material reflected from the impugned order, I am not persuaded to release the petitioner on bail. Prayer is rejected.

Petitioner is, however, granted liberty to renew prayer for bail in the Court below itself if the trial does not record adequate progress within six months from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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