

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42717 of 2014

Arising Out of PS.Case No. -87 Year- 2013 Thana -SAHARSA District- SAHARSA

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Akhilesh Kumar Srivastava @ Ashish Son of Bharat Prasad Srivastava @
Domi Srivastava, Resident of Village - Milki Tola, P.S. - Maranga,
District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikram Deo Singh, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 10-04-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution originally registered under Section 366A/34 of the Indian Penal Code, in which subsequently chargesheet was submitted under Sections 376, 366A and some other minor or bailable offences of the Indian Penal Code as also under Section 3 (i)(x)(xi)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Taking into consideration the fact that the petitioner is alleged to be the main culprit in the FIR vide Annexure-1 and further taking into consideration the fact that the prosecutrix in her statement recorded under Section 164 of the Code of Criminal Procedure vide Annexure-2 has supported the prosecution version regarding commission of crime of rape upon her by this petitioner, this Court is not inclined to accede to the prayer made on behalf of the petitioner for grant of bail at this stage. Accordingly, the prayer for bail of the petitioner in connection with Sessions Case No. 188 of 2013 arising out of Saharsa P.S.Case No. 87 of 2013

pending in the court of learned Additional Sessions Judge Ist, Saharsa is rejected.

Learned Additional Sessions Judge Ist, Saharsa, who is in seisin of Sessions Case No. 188 of 2013, is directed to expedite the trial of the petitioner and all endeavours should be made to conclude the same at an early date preferably within a period of nine months from the date of receipt/production of a copy of this order. However, if the trial of the petitioner is not concluded within the aforesaid period of nine months, without any fault on the part of the petitioner, then he shall be at liberty to renew his prayer for bail before the learned trial court itself.

(Birendra Prasad Verma, J)

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