

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24861 of 2015

Arising Out of PS.Case No. -151 Year- 2014 Thana -AKBARPUR District- NAWADA

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1. Bigon Kumar @ Bigon Choudhary Son of Jago Choudhary resident of
village - Barhori, Police Station - Akabarpur, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Sucheta Yadav(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
A.P.P. for the State as also learned counsel for the informant.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 366, 376 and 34 of the Indian
Penal Code.

Allegedly the petitioner and other co-accused
kidnapped the minor daughter of the complainant/informant and
thereafter, it was told that the petitioner wants to marry with her
and he has taken away her at Delhi.

Submission is of false implication and that there was
love affairs between the victim and the petitioner. In this case, co-
accused, Guddu Choudhary, has been allowed pre-arrest bail vide
Cr. Misc. No.11933 of 2015 and in medical examination no

evidence of recent intercourse has been found.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer for bail by submitting that the victim has been found aged between 16-17 years by the Doctor and as she has been examined after several days, as such, no evidence of recent intercourse has been found but the victim in her statement before the police recorded in paragraph No.13 and in her statement under Section 164 of the Code of Criminal Procedure has stated that the petitioner committed rape forcibly with her, though she was married with one Jitendra Rajbanshi.

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 and accordingly, such prayer stands rejected. However, the trial court is directed to conclude the trial as per the amended provision of Section 309 of the Code of Criminal Procedure.

(Jitendra Mohan Sharma, J)

V.P.Sinha/-

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