

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40193 of 2015**

Arising Out of PS.Case No. -58 Year- 2014 Thana -RAUTARA District- KATIHAR

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1. Md. Nazrul Son of Shekh Rahman resident of Village - Shekhtola  
Binodpur, P.S. Routara, District - Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.  
Mr. Anirban Kurdu, Adv.  
Mr. Birendra Kumar  
Mr. Sanjay Kumar Singh, Adv.

For the State : Mr. Ramesh Chandra(App)

For the informant : 1. Mr. Javed Aslam, Adv.  
2. Mr. Ajit Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

4 15-12-2015

Counter affidavit is filed on behalf of the informant.

Heard the parties.

There is allegation against the petitioner that he committed rape three months prior to the institution of the first information report and, thereafter, continued physical relation with the informant on false promise of marriage and when the informant became pregnant, he got aborted her pregnancy.

The contention on behalf of the petitioner is that the victim was major at the time of alleged occurrence and as a matter of fact, the petitioner and the victim were in love and when family members of the informant (victim) made proposal for marriage of the petitioner with the victim, the family members of the petitioner refused the aforesaid proposal, which caused annoyance to the

family members of the informant and, thereafter, they got instituted the present false case against the petitioner as well as his other family members. Learned counsel for the petitioner submits that in medical examination, the victim was found aged about between 18-19 years and no sign of rape or recent abortion was found.

On the other hand, learned counsel, appearing for the informant (victim) refuted the above-said submissions, pointing out that in School Leaving Certificate, the date of birth of the victim has been entered as 25-05-2000 and, therefore, it is obvious that the victim was minor at the time of alleged occurrence.

Regard being had to the facts and circumstances of the case as well as submission of the parties, particularly, keeping in mind that trial of the petitioner has already commenced and as per submission of the parties., two prosecution witnesses have already been examine, I do not think it proper to release the petitioner on bail and accordingly, his prayer for bail in connection with G.R. Case No. 2595 of 2014 arising out of Rautara P.S. Case No. 58 of 2014 pending in the court of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Katihar stands rejected.

However, learned trial court is directed to conclude the trial of the petitioner within six months from the date of

receipt/production of copy of this order and if, the trial of the petitioner is not concluded within the above-said period on account of laches of the prosecution, the petitioner may renew his prayer for bail before the learned trial court itself.

Since the informant has already appeared before this court with an intent to oppose the prayer for bail of the petitioner, this court hopes and expects that the informant (victim) shall produce all the private witnesses before the trial court within the above-said period.

A.K.V./-

**(Hemant Kumar Srivastava, J)**

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