

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46651 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -GOPALPUR District- GOPALGANJ

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1. Krishna Patel @ Krishan Patel Son of Late Khedan Patel resident of
village - Dhebwan, P.S. Gopalpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 31 of 2015 registered for the offences
punishable under Sections 363, 366A/34 of the Indian Penal
Code.

Allegedly, the petitioner and other co-accused
kidnapped Chand Tara Khatoon the minor daughter of the
informant on 11.04.2015 in the night and during investigation the
statement of the victim under Section 164 Cr.P.C. has been
recorded wherein also she has stated regarding the involvement of
the petitioner in her kidnapping and further that the petitioner
sexually assaulted her and kept her confined in a room for 38 days.

Submission is of false implication and that the

statement of the victim recorded under Section 164 Cr.P.C. is contradictory, she has stated that seeing the Police the petitioner fled away and she was brought by Police to the house of her father but in the case diary it is not stated anywhere rather the victim was brought by Kanti Devi for recording her statement under Section 164 Cr.P.C. The doctor who has examined the victim has found her age between 17-18 years and no external injury has been found and further no spermatozoa was found and as such the petitioner who is suffering in custody deserves sympathetic consideration to which the learned APP opposes by submitting that the victim has supported the allegation in her statement recorded under Section 164 Cr.P.C. and she was kept confined in a room and sexually assaulted by the petitioner.

In the facts and circumstances stated above, considering the allegation to be serious in nature against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as per amended proviso of Section 309 of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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