

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25355 of 2015

Arising Out of PS.Case No. -307 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Saheb Khan son of Late Mustafa Khan Reisdent of Village : Tilangahi
Khan Toli, P.S.:Bairiya, District West Champaran (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma

For the Opposite Party/s : Mr. Ajay Kumar Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 363, 366 A/34 of the I.P.C

Allegedly, Pratima Kumari aged 13-14 years, the
daughter of the informant, was kidnapped and after enquiry it
transpired that the petitioner and his mother have taken away.
During investigation the victim was recovered and her statement
has been recorded under section 164 Cr.P.C wherein she has stated
that the petitioner being married brought her at the house of his
sister and used to commit sexual assault against her will and
further he used to assault her.

Submission is of false implication and that there was love affairs between the petitioner and the victim and both have arranged marriage and affidavit in this regard has been sworn before the Notary Public which is annexed in the case diary also. During medical examination the victim has been found aged between 15-16 years and no recent sign of sexual assault has been found. The petitioner is suffering in custody since 24.03.2015 and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner serious in nature as is evident from the statement of the victim recorded under section 164 Cr.P.C, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Nautan P.S. Case No. 307 of 2014 pending in the court of C.J.M. Bettiah, West Champaran.

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

(Jitendra Mohan Sharma, J)

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