

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22641 of 2015

Arising Out of PS.Case No. -33 Year- 2011 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

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Amerika Mukhiya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Sharan Singh-Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 08-07-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

With regard to kidnapping of Bula Kumari aged
about 11 years on 07.07.2011, instant prosecution has been
launched on 16.07.2011.

Apart from having delay in institution of instant
case without any explanation. It has also been submitted that
conduct of the prosecutrix is found dubious in the background of
the fact that she had disclosed in her statement under Section 164
Cr.P.C. that she was taken on a bicycle by the petitioner. Had
there been a forceful event, then in that event, it was expected at
the end of the victim to have raised alarm attracting people. That
shows that she was a consenting party. Also submitted that
petitioner happens to be under custody for the last eleven months.

So, submitted that petitioner be released on bail.

There happens to be an allegation attracted against the petitioner to have raped the victim, who happens to be minor and that being so, the conduct or consent as pleaded by the petitioner has got no legal sanctity.

Accordingly, prayer of petitioner for bail is rejected.

Taking into account the period of custody, attracts speedy trial and on account thereof, learned lower Court is directed to expedite the same.

(Aditya Kumar Trivedi, J)

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