

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3928 of 2016

Arising Out of PS.Case No. -402 Year- 2014 Thana -JAKKANPUR District- PATNA

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Shivanand Tiwary @ Shiv Kumar Tiwary Son of Sri Ram Dulare Tiwary
Resident of Indian Oil Corporation, Sipara Hind Nagar, P.S. Jakkanpur,
District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 29-06-2016

Heard learned counsels for the petitioner and
the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections 363
and 366 of the Indian Penal Code. Subsequently, section 376 IPC
was also added.

The prosecution case is that the informant
took his daughter-in-law Juli Kumari, grand son and grand
daughter to doctor. While returning home the informant and others
stayed near a temple when the informant went to purchase sweet
for the children but on return he found the daughter-in-law and the
grand children missing. The occurrence is of 07.10.2014 when the



FIR was registered on 08.10.2014. The informant claims to have gone to the shop of the petitioner which was situated near the temple when the shop was found closed. Subsequently, the police arrested the petitioner on 14.10.2014 with the victim from Golabari under Howrah P.S. The victim gave her statement under Section 164 Cr.P.C. where she has stated that on knife point she was administered liquor and was ravished firstly at Patna in a hotel and thereafter at Kolkata.

It is submitted by learned counsel for the petitioner that it is a simple case of love affairs. The victim of her own went in the company of the petitioner and on return the victim went in the company of her husband and thereafter gave statement under Section 164 Cr.P.C. at the threat of her husband. This fact further gets reflected from the act of the husband and other family members of the victim when she was brutally assaulted leading to registration of Naubatpur P.S. Case No. 569 of 2014 against her husband and other family members. Subsequently the victim succumbed to injuries. The husband of the victim is in custody.

Earlier the bail application of the petitioner was rejected vide order dated 06.07.2015 passed in Cr. Misc. No. 10533 of 2015. The petitioner is languishing in custody since

14.10.2014. A report was called for from the learned trial court. The report of learned Additional Sessions Judge-VII, Patna dated 25.02.2016 reflects that no witness has been examined till date which reflects the casual manner in which the trial is proceeding.

Considering the fact that there is no likelihood of conclusion of trial in near future, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Patna in connection with Sessions Trial No. 580 of 2015 arising out of Jakkanpur P.S. Case No. 402 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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