

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5927 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Subhash Raut @ Subhash Kumar Raut Son of Shiv Raut @ Shivnarayan Raut, Resident of Ward No. 17, Supaul Police Station & District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-02-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Supaul P.S. Case No. 132 of 2015 registered for the offences punishable under Sections 63, 366(A) & 34 of the Indian Penal Code.

Allegedly Mumtaj aged about 14 years the maternal niece of the informant became traceless and the informant claimed that the petitioner and other might have kidnapped her. During investigation the victim appeared and her statement has been recorded under Section 164 Cr.P.C., wherein she has stated that the petitioner developed physical relationship with her forcibly and after 5 days released her near her maternal grand mother.

Submission is of false implication and that it is a case

of love affair, the victim girl went with petitioner out of her own sweet will, the petitioner without any fault is suffering in custody since 7.11.2015 having no criminal antecedent.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the victim girl has supported the allegation of kidnapping as well as of rape in her statement recorded under Section 164 Cr.P.C.

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

However the petitioner may renew his prayer for bail after examination of the victim girl during trial and let the trial be expedited.

(Jitendra Mohan Sharma, J)

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