

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14711 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -BAHADURGANJ District- KISANGANJ

Sarjen Soren, Son of Anu Soren resident of Asmanhat, Police Station - Hemtabad, District - Uttar Dinajpur, (West Bengal)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance:

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh No.-5, APP.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 18-05-2016 Heard the learned counsel for the petitioner and the learned A.P.P representing the State.

The petitioner seeks bail in connection with Session Trial No. 23 of 2016 arising out of Bahadurganj Police P.S. Case No. 225 of 2015 registered for the offence punishable under Sections 363, 366A/34 and 376 of the Indian Penal Code.

Allegedly, Marian Soren, the younger sister of the informant was kidnapped by the petitioner and others and during investigation, the victim was found moving at Kishanganj bus stand and then her statement was recorded by the police and also under Section 164 of the Code of Criminal Procedure wherein she has supported the allegation of kidnapping and further that the

petitioner committed rape with her three to four times.

Submission is of false implication and that there was love affair between the petitioner and the victim, victim is major one which is evident from the medical report, she out of her own will went with the petitioner and remained with him but under pressure she has changed her version, the petitioner is in custody since 13.09.2015 without any fault to which the learned APP seriously opposes by submitting that the victim in her statement recorded under section 164 of the Code of Criminal Procedure has made serious allegation against the petitioner and she has stated her age sixteen years and further the doctor has also found her age sixteen to eighteen i.e. seventeen years and hymen was found old rapture.

In the facts and circumstances stated above, considering the statement of the girl recorded under Section 164 of the Code of Criminal Procedure and allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Session Trial No. 23 of 2016 arising out of Bahadurganj P.S. Case No. 225 of 2015 pending in the Court of learned District and Sessions Judge, Kishanganj.

However, the petitioner may renew his prayer for
bail after examination of the victim girl during trial.

(Jitendra Mohan Sharma, J)

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