

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52858 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -MAHILA PS District- GOPALGANJ

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Bipin Chaubey S/o Late Harikirtan Chaubey R/o Vill, Bhathawa @
Bhathawa Khurd, P.S. Kateya, Dist. Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 12-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in connection with
Gopalganj Mahila P.S. Case No. 62 of 2015 registered for the
offences punishable under Sections 376 and 493 of the Indian
Penal Code.

Allegedly, Sapna Kumari aged about 17 years was
assured by the petitioner to marry with her and on this assurance
developed sexual relationship with her twice but refused to marry
with her.

Submission is false implication and that in the written
report the informant has stated the place of occurrence near
transformer but in the statement recorded under Section 164
Cr.P.C. she has stated the place of occurrence as the room of Dr.

Subash and Dr. Subash has been examined and he has not supported the prosecution version vide para 34 of the case diary and further independent witnesses Indal Sah, and Subash yadav vide paragraph 33 and 35 have stated that the petitioner did not purchase the land from the father of the informant and there was dispute for money and then the father of the informant got lodged this false case, the Doctor has not found any sign of sexual assault and as such the petitioner who is suffering in custody since 10.09.2015 deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner committed rape with minor girl and as such her consent is of no value.

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, accordingly, his such prayer stands rejected.

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

(Jitendra Mohan Sharma, J)

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