

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31924 of 2016

Arising Out of PS.Case No. -63 Year- 2014 Thana -BARSOI District- KATIHAR

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Md. Saheb son of Mujibur, Resident of Village- Balijola, Police Station Itahar, District Uttar Dinajpur (West Bengal).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 16-08-2016 Heard Sri Bhola Prasad, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since 26-12-2014 in Barsoi P.S. Case No. 63 of 2014 registered for the offence under Sections 363, 366A, 376, 372, 120(B) of the Indian Penal Code corresponding to Sessions Trial No. 159 of 2015, has prayed for grant of bail.

Learned counsel for the petitioner submits that the present F.I.R. was lodged on the basis of complaint, vide Complaint Case No. 743 of 2014, which was referred to police under Section 156(3) of the Cr.P.C. and thereafter, police investigated the case. He submits that in the allegation made in the complaint petition and the statement of the victim girl recorded

under Section 164 of the Cr.P.C. is entirely different and on this very ground, he has made a prayer for grant of bail.

After perusal of Annexure – 2 to the petition i.e. copy of the statement of the victim girl recorded under Section 164 of the Cr.P.C., the Court is satisfied that there is no ground for grant of bail. The victim, aged about fifteen years, in her statement has made specific allegation against the petitioner regarding committing rape with her and besides the petitioner, she was also raped by the other associate of the petitioner. On perusal of the impugned order, it appears that in this case, charge has already been framed. Accordingly, I do not find any ground to grant bail.

However, keeping in view the fact that the petitioner is in custody since 26.12.2014, while dismissing the present petition, it is desirable to direct the court below to take step for early disposal of the case.

The petition stands dismissed.

(Rakesh Kumar, J.)

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