

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46111 of 2016

Arising Out of PS.Case No. -506 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

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1. Md. Sajjad @ Shahzad Son of - Md. Nasir Resident of Village- Oraiya,
P.S.- Lakhisarai, District- Lakhisarai. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 09-11-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 30.03.2016 passed in Cr. Misc. No. 5246 of 2016, on the ground that the petitioner is suffering in custody since 08.12.2015 and the trial has not been concluded as yet, though there was direction to conclude the trial as per amended proviso of Section 309 of the Cr.P.C. There is contradiction in the age of the informant as she has given her age in the first information report as 17 years but in the statement recorded under Section 164 Cr.P.C. she has stated her age as 20 years and the learned Magistrate has assessed her age 19 years. The doctor has found pregnancy of 10 weeks and 3 days and as such the informant was pregnant from before the alleged date of occurrence and only with a view to put pressure this false case has

been lodged.

Learned APP opposes the prayer of bail by submitting that in view of statement of the informant in the first information report as well as statement recorded under Section 164 Cr.P.C. the petitioner does not deserve bail as firstly the petitioner committed rape forcibly.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer for bail of the petitioner, again his prayer for bail stands rejected in Sessions Trial No. 87 of 2016 pending in the court of learned Additional Sessions Judge III, Lakhisarai.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably within four months from the date of receipt/production of a copy of this order after taking the same on priority basis, failing which, the petitioner, if at no fault, may be at liberty to renew his prayer of bail.

(Jitendra Mohan Sharma, J)

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