

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49255 of 2016

Arising Out of PS.Case No. -321 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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1. Rajesh Kumar @ Jhunu Srivastava @ Jhunjhun Srivastava Son of
Sachidanand Srivastava Resident of Village- Benchapara, Police Station-
Mashrakh, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 30-11-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in
connection with Sadar P.S. Case No. 321 of 2015, registered for
the offences punishable under Section 366(A) of the Indian
Penal Code.

The specific allegation has been made against the
petitioner to have tortured the victim girl and used to establish
physical relation with her.

Learned counsel for the petitioner submits that the
victim girl remained six days with the family members so it is
not evidentiary value in the eye of law and the learned counsel



for the petitioner further submits that there was a love affair with the victim girl so she had voluntarily gone to Bombay. The parent of the victim girl were well aware about her location, who have given the address to the Bombay Police when the police has gone the said place, she was alone there and the statement of the victim girl made by the Bombay Police is not on record.

In view of Section 164 Cr. P.C., it has to be kept in mind that the victim girl has come from Bombay to Patna which takes at least 36 hours and always the period of transit is excluded when the question of living with the parents for six days completely erroneous argument which is not sustainable. So far conferring the address is apparently clear that the petitioner happens to be Mama of the victim girl, family members must be knowing the address where the petitioner is staying and it is a natural act of the person of giving the information about the address of petitioner, this Court does not find any merit in the present case. Accordingly, this application is rejected.

(Shivaji Pandey, J)

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