

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4006 of 2016

Arising Out of PS.Case No. -404 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

Sukesh Singh Son of Ram Sujeet Singh, Resident of Village - Hudhudpur
Garahi, P.S. - Desari, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Shivjee Singh, Advocate

For the State : Mr. M.Dayal(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 15-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Mahua
P.S. case No. 404 of 2014 registered for the offences punishable
under Sections 363, 366A of the Indian Penal Code.

Allegedly Kanchan Kumari, maternal daughter of the
informant became traceless and the petitioner has made call from
mobile no. 8478048767. During investigation, the victim girl was
released and her statement has been recorded u/s 164 Cr.P.C.
wherein she had stated that the petitioner kidnapped her and after
making her senseless, brought her at Delhi and thereafter, he used
to commit rape with her.

Submission is of false implication and that the victim girl has appeared *suo motu*, her statement appears not believable, the medical board has assessed her age about 17 to 19 years and no recent sign of sexual intercourse was found. The said mobile number does not belong to the petitioner and as such, the petitioner who is suffering in custody since 30.11.2015 deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner in her statement recorded u/s 164 Cr.P.C. has made allegation of rape against the petitioner.

In the facts and circumstances stated above, considering the allegation leveled against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail and as such, the prayer of bail of the petitioner stands rejected.

However, the Trial Court is directed to expedite the trial and conclude the same preferably within nine months.

(Jitendra Mohan Sharma, J.)

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