

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13294 of 2016

Arising Out of PS.Case No. -321 Year- 2014 Thana -JAGDIHSPUR District- BHOJPUR

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1. Anil Paswan Son of Late Dular Paswan, resident of village- Baradhi Tola, Jagdishpur, Ward No. 13, P.S. Jagdishpur, District- Bhojpur (Ara)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 376 (i) and 376 (ii) (k)/34 of the I.P.C

Allegedly, the petitioner and other five FIR named accused person dragged the informant in the orchard and committed rape with her forcibly one after another.

Submission is of false implication and that there is material contradiction in the statement of the informant recorded under section 164 of the Cr.P.C. from the statement as made in the First Information Report, the medical evidence does not support the prosecution version, due to enmity the petitioner has been implicated resulting the petitioner is suffering in custody since

18.11.2014 and in the near future the trial is not likely to be concluded.

The learned A.P.P. opposes prayer for bail by submitting that the informant has named the petitioner in the statement recorded under section 164 of the Cr.P.C. as one of the rapist.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with S.T. No. 53 of 2015 arising out of Jagdishpur P.S. Case No. 321 of 2014 pending in the court of the Additional Sessions Judge-1st, Ara.

However, let the trial be expedited and concluded as per the amended proviso of section 309 of the Cr. P.C.

(Jitendra Mohan Sharma, J)

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