

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17670 of 2016

Arising Out of PS.Case No. -252 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

1. Chandra Kishore Mandal @ Fenku Mandal, son of Bindeshwari Mandal,
resident of Village- Phulwaria, P.S. Sultanganj, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-06-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Sultanganj
P.S. Case No. 252 of 2015 registered for the offence punishable
under Section 366A of the Indian Penal Code in which Section
376 IPC and Section 4 of POCSO Act were added later on.

Allegedly, minor daughter of the informant was
kidnapped by the petitioner and the victim girl after recovery also
stated regarding the hand of the petitioner in her kidnapping and
further that the petitioner committed rape with her also.

Submission is of false implication and that the victim girl
out of her own sweet will went away from her house, FIR has
been lodged after delay of 13 days, during investigation it has
come that the victim girl wanted to marry with the petitioner and

she went to Gujarat and returned back to her house, the statement of the victim girl appears not probable and reliable, medical evidence does not support the allegation of rape.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the victim girl in her statement before the Police as well as in her statement recorded under Section 164 Cr.P.C. has supported the allegation of kidnapping by the petitioner and further that the petitioner committed rape with her and as such, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as per the amended proviso of Section 309 of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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