

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30274 of 2015

Arising Out of PS.Case No. -173 Year- 2014 Thana -AMDABAD District- KATIHAR

1. Sheikh Babloo Son of Sk. Azaful Resident of Village- Chakwa, tola
Bairiya, Police Station- Amdabad, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atif Inam

For the Opposite Party/s : Mr. M.Dayal (App)

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

4 15-02-2016 Supplementary affidavit has been filed disclosing
therein that the petitioner is also an accused in Amdabad P.S. Case
No. 24 of 2014 registered under sections 341, 323, 379, 376 and
511 read with section 34 of the I.P.C. Keep it on the record.

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, 313 and 504/34 of the I.P.C

Allegedly, the petitioner used to develop physical
relationship with the informant on the assurance to marry with her,
resulting the informant became pregnant and thereafter against her
will the pregnancy was terminated and then the petitioner refused
to marry with her.

Submission is of false implication and that the

petitioner was in judicial custody since 30.03.2014 to 23.06.2014 in connection with Amdabad P.S. Case No. 24 of 2014, the informant has been examined by the doctor in course of investigation on 07.09.2014 and she was having pregnancy of four months which clearly suggests that this case is totally false as during that period the petitioner was in judicial custody, the informant has already married with Sk. Mallick and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 21.03.2015.

The learned A.P.P. opposes prayer for bail by submitting that against the petitioner there is serious allegation.

In the facts and circumstances as stated above, considering that the victim in her statement recorded under section 164 Cr.P.C. has supported the allegation and as such at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Amdabad P.S. Case No. 173 of 2014 pending in the court of Sri R.K.Mishra, Judicial Magistrate, 1st Class, Katihar.

However, considering detention of the petitioner the learned trial court is directed to expedite the trial and to conclude the same preferably within four months.

(Jitendra Mohan Sharma, J)

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