

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47927 of 2016

Arising Out of PS.Case No. -290 Year- 2013 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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AJAY MAHTO @ AJAY KUMAR MAHTO, son of Jadu Mahto resident
of village Kotwa Ojha Tola P.S. Kotwa, East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 24-11-2016 Heard Mr. Dhananjay Kumar for the petitioner and Mr.
Sanjay Kumar Singh, APP for the State.

The petitioner is an accused of Kesariya P.S. Case No. 290
of 2013 registered under section 366-A/34 IPC.

It is stated that charges have been framed under section
376 IPC and section 6 of the Protection of Children from Sexual
Offences Act. The petitioner is stated to be in custody since
08.05.2014. It is further stated that the victim girl married the
petitioner on her own free will. She has attained the age of
understanding.

Counsel for the State, on the other hand, submits that
in her statement recorded under section 164 Cr. P.C. the victim
girl has fully supported the prosecution case. The age, according

to the medical assessment, is between 16 and half years to 17 and half years.

The status report was called for which is placed at Flag-A wherefrom it appears that the trial has already commenced inasmuch as 04 out of 10 charge-sheet witnesses, including the victim girl, have been examined.

Considering the facts and circumstances of the case, this Court, for the present, is not inclined to extend the petitioner the privilege of bail. Prayer is accordingly rejected.

However, if the prosecution fails to examine all the prosecution witnesses within 05 months from the date of receipt/communication of this order, the petitioner shall have liberty to renew his prayer for bail in the court below itself.

(Kishore Kumar Mandal, J)

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