

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11357 of 2016

Arising Out of PS.Case No. -36 Year- 2015 Thana -BHIMPUR District- SUPAUL

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1. Abhinandan Kumar @ Abhinandan Kumar Rai Son of Satyanarayan Rai
Resident of Village - Chainpur, Ward No. - 03, P.S. - Bhimpur, District –
Supaul..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Maddhura Nand Jha, (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Bhimpur
P.S. Case No. 36 of 2015 registered for the offences punishable
under Sections 363, 366A/34 of the Indian Penal Code.

Nutan Kumari aged 13 years, the daughter of the
informant, went to the temple but she did not return and after
inquiry it revealed that the petitioner and other co-accused have
kidnapped her with intention to marry with her. During
investigation the victim girl was recovered and she in her
statement recorded under Section 164 Cr.P.C. has supported the
allegation of kidnapping by the petitioner and also that the
petitioner committed rape with her.

Submission is of false implication and that the victim

went with the petitioner out of her own sweet will, there was love affairs between the petitioner and the victim, no sign of rape was found by the doctor and as such the petitioner deserves sympathetic consideration to which learned APP opposes.

In the facts and circumstances stated above, considering the statement of the victim girl recorded under Section 164 Cr.P.C. and noticing the allegation attributed against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

Let the trial be expedited and concluded keeping in mind the amended proviso of Section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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