

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22653 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -ISUAPUR District- SARAN

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1. Police Singh @ Ramjeet Singh @ Ranjeet Singh Son of Jaimangal Singh@bairishter Singh@Balister Singh a resident of Village- Pachnaur, Police Station -Tatariyan, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. C.Jawahar, APP

For the Informant : Mr. Kapil Deo Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 13-07-2016 Heard Mr. Harish Kumar, learned counsel for the petitioner, Mr. Chaudhary Jawahar, learned Additional Public Prosecutor for the State and Mr. Kapil Deo Singh for the informant.

This is the second round attempt by the petitioner to pray for bail in a case arising from Isuapur P.S. Case No. 124 of 2015 registered for offence punishable under Section 366A/34 of the Indian Penal Code.

The petitioner and one other have been charged with abduction and sexually assaulting the daughter of the informant. The prayer was rejected by this Court on 29.01.2016 taking note of the statement of the victim girl.

Mr. Harish Kumar learned counsel for the petitioner while



renewing the prayer on behalf of the petitioner has submitted that though the statement of the victim girl does charge the petitioner and the other accused of sexually assaulting her for a period of three months but the important aspect of the matter is that the petitioner was arrested on 9.10.2015 i.e. within 23 days of institution of the F.I.R. and hence the statement is not correct. It is contended that no medical examination was conducted on the victim to confirm the charge. He further submits that though the informant is an eye witness and the abduction allegedly took place on 10.9.2014 but he has chosen to institute the F.I.R. only on 16.9.2015 with no reason assigned for the delay. He further submits that the petitioner has no other case instituted against him except the case in question and for the allegation in question he has remained in custody since 9.10.2015.

The argument of Mr. Harish Kumar has been opposed by learned Additional Public Prosecutor as well as Mr. Singh appearing for the informant, who in reference to the case diary submit that the contention of learned counsel for the petitioner that the informant was not subjected to medical examination, is not correct. It is submitted that the medical examination confirms sexual assault on the girl. It is further informed by Mr. Kapil Deo Singh that the father of the petitioner and some others have

indulged in further criminal activities of threatening the parents of the victim girl and for which a complaint case has been instituted giving rise to Complaint Case No. 1608 of 2016 which is pending before the Chief Judicial Magistrate, Saran at Chapra.

In the circumstances so discussed, I am not persuaded to consider the renewed prayer of the petitioner for bail, presently.

This bail application is dismissed. In case the trial does not initiate within six months from today, the petitioner shall be at liberty to renew his prayer for bail.

Bibhash/-

(Jyoti Saran, J)

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