

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23951 of 2016

Arising out of PS.Case No. -149 Year- 2015 Thana -MUSRIGHARARI District- SAMASTIPUR

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Raju Rai, Son of Rajendra Rai, resident of Village- Rupauli, Police Station - Mushrigharari, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rana Sanjay Kumar Singh, Advocate.

For the Opposite Party : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-08-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 09.03.2016 in connection with Musrigharari P.S. Case No. 149 of 2015 for the offences instituted under Sections 363, 366(A) and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 04.12.2015 at 2.00 A.M. in the night the daughter of the informant, namely, Sharmila Kumari, aged about 13 years, alongwith her mother went to attend the call of nature. At the same time, this petitioner, Raju Rai, Vijay Rai alongwith two unknown persons shut the mouth of his daughter and fled away on three motorcycles. Rajendra Rai father of Raju Rai and his sister Sangeeta Devi were also involved

in conspiracy of the alleged occurrence.

A report was called for from the learned court below regarding the stage of the case. The same is kept at Flag-‘X’. It has been reported that the case is pending for compliance of Section 207 Cr. P.C.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner is in custody since 09.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. The alleged occurrence is said to have taken place at 2.00 A.M. in the night. No source of identification has been disclosed by the prosecution. There was an admitted love affair between the petitioner and the victim.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioner is named in the F.I.R. and the victim in her 164 Cr. P.C. statement has made specific allegation against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Musrigharari P.S. Case No. 149 of 2015, pending in the court of the learned 4th A.C.J.M., Samastipur. Anyhow, the court below is

directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of the order.

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(Sudhir Singh, J)

