

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45996 of 2015

Arising Out of PS.Case No. -262 Year- 2015 Thana -KATIHAR District- KATIHAR

=====

1. Ashok Kumar Das son of Late Baid Nath Das @ Baijnath Das, resident of Mohalla- Mofarganj, Dhalaighar, P.S. Katihar (T), District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-01-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Katihar P.S. Case No. 262 of 2015 registered for the offences punishable under Sections 363, 366A of the Indian Penal Code.

Renu Kumari the minor daughter of the informant was taken away by the petitioner on 28.04.2015 in the night and during investigation the victim was recovered and her statement has been recorded under Section 164 Cr.P.C. wherein she has supported the allegation of kidnapping as well as of rape committed upon her by the petitioner.

Submission is of false implication and that written report has been submitted on 01.05.2015 for the occurrence of

28.04.2015, the victim girl was recovered just after recording of the first information report, the doctor has found no sign of injury on the person of the victim and further no spermatozoa was found in pathological examination and as such the petitioner deserves sympathetic consideration to which the learned APP opposes by submitting that the doctor has found that the victim was used in sexual intercourse.

In the facts and circumstances stated above, considering that the victim has made allegation of kidnapping as well as of rape against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--