

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5907 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -KADWA District- KATIHAR

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1. Binod Das son of Late Ranjeet Das, Resident of village- Baraiya, P.S.-
Kadwa, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Abhay Kr.Roy(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

8 22-06-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under section 376 of the I.P.C and section 4 of
Protection of Children from Sexual Offences Act.

This case has been lodged on the basis of the
complaint petition with allegation that the petitioner committed
rape with her and gave assurance to marry with her and thereafter
in the Panchayati the petitioner refused to marry with her.

Submission is of false implication and that there is
material contradiction in the statement of the complainant as made
in the complaint petition, from further statement and the statement
recorded under section 164 of the Cr.P.C, the



complainant-informant was married one and she has divorced her earlier husband after executing bond and without any fault the petitioner is suffering in custody since 07.10.2015 and as such the petitioner deserves sympathetic consideration as during investigation it has come that the petitioner has taken some money for arranging marriage of the informant and for that this case has been lodged.

The learned A.P.P. opposes prayer for bail by submitting that the victim in her statement recorded under section 164 of the Cr.P.C. has supported the allegation of rape and some minor contradictions are not vital, in the medical report also it is mentioned that she has been used for sexual intercourse.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Kadwa P.S. Case No. 129 of 2015/ G.R. No. 2645 of 2015 pending in the court of the Additional Sessions Judge-I Cum Special Judge, Katihar.

However, considering detention of the petitioner, let the trial be expedited and concluded as early as possible preferably within a period of nine months from the date of receipt/production

of a copy of this order, failing which the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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