

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17630 of 2016

Arising out of PS.Case No. -237 Year- 2013 Thana -NANHPUR District- SITAMARHI

Rishikesh Chaudhary, Son of Late Bishwanath Chaudhary, resident of village- Raipur, Police Station- Nanpur, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Advocate.

For the Opposite Party : Mr. C. Sen Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 28.08.2013 in connection with Nanpur P.S. Case No. 237 of 2013 for the offences instituted under Sections 366(A) and 376/34 of the IPC.

The prosecution story, in brief, is that on the alleged date and time of occurrence, in the night, when the informant had gone outside the house to answer the call of nature, co-accused Vijay Bhagat came on a motorcycle and kidnapped her by force at the point of Nalkatua. It is alleged that he took her to his Mobile Shop at Raipur Bazar and kept confined there in a room in which the petitioner Rishikesh Chaudhary was present from before and both the petitioner and co-accused committed rape upon the informant

one by one for the whole night by force and in the next early morning left her at the road near the house of one Laxmi Sahu and fled away by the motorcycle.

This is the third attempt on behalf of the petitioner for grant of bail. Earlier bail application of the petitioner was rejected vide Annexure-1 series to the present application.

A report was called for from the court below. The same is kept at Flag-‘B’. It has been reported that out of 14 prosecution witnesses, 11 prosecution witnesses have already been examined and the trial is expected to be concluded within a period of three months.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 09 of 2014, arising out of Nanpur P.S. Case No. 237 of 2013, pending in the court of the learned Ist Additional Sessions Judge, Sitamarhi. The court below is directed to take all necessary steps to conclude the trial preferably within a period of four months from the date of receipt/production of copy of the order.

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(Sudhir Singh, J)