

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22040 of 2016

Arising Out of PS.Case No. -65 Year- 2013 Thana -JAGDISHPUR District- BHAGALPUR

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Kunal Kumar S/o Shivnandan Yadav, resident of village - Ramtol Kothia,
P.S. Muffasil, District - Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arbind Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-08-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in S.T. No.192 of 2016 arising out of Jagdishpur P.S. case No.65 of 2013/ G.R. No.1081 of 2013 instituted for the offence under Sections 363 and 366(A)/34 of the Indian Penal Code, pending in the court of learned Additional District and Sessions Judge VIth, Bhagalpur.

The prosecution case, in brief, is that on the alleged date and time of occurrence the informant's daughter, namely, Sufrana Khatoon had gone to attend call of nature but did not return. Then the informant tried to search her and during course of search he came to know that the accused persons kidnapped her daughter for purpose of marriage.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.01.2016 and the charge sheet has been submitted in the present case. The petitioner has got no

criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to dispute between the petitioner and the father of the victim. The medical examination of the victim does not support the allegations made in the statement recorded under Section 164 Cr.P.C. of the victim.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. The case is of the year 2013. He has appeared in the Court in the year 2016. From perusal of the statement recorded under Section 164 Cr.P.C., it is evident that there is allegation of physical abuse against the petitioner. As far as the medical examination of the victim is concerned, the alleged date of occurrence is 10.04.2013 and she has been medically examined on 10.06.2013. Hence, the same cannot be relied upon by the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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