

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19197 of 2017

Arising Out of PS.Case No. -312 Year- 2016 Thana -TAJPUR District- SAMASTIPUR

- =====
1. Arun Kumar, son of Late Ram Bilash Ram, Resident of Village- Shahpur Baghauni, P.S.- Waini O.P., District- Samastipur.
 2. Md. Shamsad @ Md. Nazim, son of Md. Mokim, Resident of Village- Murgiya Chowk, P.S.- N.H., Bangra, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 16-05-2017 Heard both sides.

The petitioners seek bail in Tajpur (Waini) P.S. case No. 312 of 2016 under Section 376D and other Sections of the Indian Penal Code.

The victim made allegation that both the petitioners entered into her house and committed rape with her one by one.

Sri Suraj Narain Prasad Sinha, the learned senior counsel for the petitioners, submits that petitioners are residents of other village. The doctor examined the victim and found her age between 17-18 years. No sign of rape was found. The victim appears to be habituated to sexual intercourse. It is submitted that victim herself filed a petition (Annexure-2) that when she saw



both the petitioners, it transpired that the accused were not those persons who committed rape with her but from perusal of the FIR and the statement of victim recorded under Section 164 of the Cr. P. C., it appears that the victim made specific allegation that both the petitioners entered into her house and committed rape with her one by one.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on bail, at this stage. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order.

If the trial is not concluded within nine months, the petitioners may renew their prayer for bail.

(Prabhat Kumar Jha, J)

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