

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38289 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -TARAIYA District- SARAN

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Rupesh Kr. Ram Son of Late Shioji Ram, R/o Village- Faridanpur, P.S.-
Taraiya , District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 16-08-2017 Heard the learned counsel for the petitioner and APP for
the State.

The petitioner seeks bail in connection with Taraiyan P.S.
Case no. 52 of 2017 registered under Sections 363 and 366A of
the Indian Penal Code.

The petitioner along with his 6-7 accomplices are said to
have kidnapped the daughter of the informant and also looted
away cash of Rs. 90,000/- and some jewellery on the point of
gun intruding into his house in the night.

It is submitted by the learned counsel for the petitioner
that no occurrence as alleged ever took place. As a matter of
fact, the victim was in love with the petitioner and she had
eloped with the petitioner out of her sweet will as her marriage



was fixed with some other person and subsequently she arrived at her house *suo motu*. The victim happens to be major and doctor has not found any mark of sexual offence on her person. The petitioner has been languishing in custody since 11.04.2017.

From the perusal of the statement of the victim recorded under Section 164 of the Cr.P.C., it appears that though the age of victim has been assessed 18 years by the learned Magistrate, but the victim in her statement has candidly stated that the petitioner had kidnapped her shutting her mouth under threat of dire consequences and took her to Haryana and committed rape against her.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail, hence the prayer is rejected.

However, the learned trial court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of production/receipt of a copy of this order.

(Prakash Chandra Jaiswal, J)

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