

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44543 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -KASHICHAK District- NAWADA

=====

1. Santu Ram, Son of Dinesh Ram, Resident of Village- Jagdishpur
(Shahpur), Police Station- Kashichak, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.07.2017 in connection with Kashichak P.S. Case No. 05 of
2017 for offences punishable under Sections 363/365 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Raveena Kumari, aged 14 years, had gone for
natural call but was forcefully kidnapped by the petitioner along
with co-accused Dinesh Ram and Vicky Ram, who are father and
brother of the petitioner respectively. It is further alleged that the
mother of the victim girl had seen the said occurrence along with



one Rita Devi.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that as per the medical report, age of the victim girl has been assessed between 18-20 years. Although the date of occurrence is 18.01.2017, but the First Information Report has been lodged on 27.01.2017 and no plausible explanation has been given for such delay. He further submits that the victim girl in her statement under Section 164 Cr.P.C. has stated that she was taken to Chhenai in a train, which is at a quite distant place and in a public transport, thus, it could not have been possible that the victim girl would remain silent during the whole journey. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl in her statement under Section 164 Cr.P.C. has stated that the petitioner committed rape on her.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to



the petitioner at this stage in connection with Kashichak P.S. Case No. 05 of 2017, pending in the court of learned Sub-Divisional Judicial Magistrate, Nawada.

Application is, accordingly, rejected. However, petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

