

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.24994 of 2016**

Arising out of PS.Case No. -164 Year- 2015 Thana -BAIRIYA District-  
WESTCHAMPARAN(BETTIAH)

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Bhanu Choudhary @ Bhannu Choudhary son of Shambhu Choudhary,  
resident of Village-Bagahi Ratanpura, Police Station-Bairiya, District-West  
Champaran at Bettiah.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. S. Dayal (APP)

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**  
**ORAL ORDER**

5      01-03-2017                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the informant.

Petitioner is in custody in connection with Bairiya P.S.  
Case No. 164 of 2015 registered under sections 341, 342, 323, 376  
and 504/34 of the Indian Penal Code.

Allegation is that the prosecutrix was gang raped by  
four persons including the petitioner. It is submitted that the  
petitioner has illicit relationship with the prosecutrix and it was a  
consensual act when noticed by others, this false case was lodged.  
The FIR is dated 19.6.2015 but it reached the court of learned  
Chief Judicial Magistrate after three days.

Earlier a report was called for about the present status  
of the trial. The report dated 22.2.2017 of the learned Additional



District and Sessions Judge-II, Bettiah, West Champaran reveals that the trial is at the fag end and only I.O. and doctor remain to be examined.

So, having considered the said facts and circumstances, the prayer for bail of the petitioner is refused. The trial court is directed to expedite the trial and conclude preferably within two months by sending a copy of this order to the Superintendent of Police, West Champaran as well as the Civil Surgeon, West Champaran to produce the I.O. and doctor of the case on the next date of hearing of the trial.

S.Sb/-

**(Arun Kumar, J)**

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