

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16412 of 2017**

Arising Out of PS.Case No. -178 Year- 2016 Thana -BHAWANIPUR District- PURNIA

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1. Kamleshwari Mandal, Son of Late Sivnarayn Mandal, resident of Village- Singhiyan Sundar, P.O.- Durgapur, P.S.- Bhawanipur, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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

3      16-05-2017                                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

Petitioner seeks bail in a case registered for the  
  
offence punishable under Section 376 of the Indian Penal Code.

Allegation against the petitioner is that he  
  
committed rape against the informant by committing house  
  
trespassers in the house of the informant.

Learned counsel for the petitioner has drawn  
  
attention of the Court towards some minor discrepancy in the  
  
statement of the victim before the police as well as her statement  
  
under Section 164 Cr.P.C.

However, she is consistent that the petitioner had  
  
committed rape. Petitioner is in custody since 13.12.2016.

Considering the nature of allegation against the



petitioner, I am not inclined to enlarge him on bail in connection with Bhawanipur Police Station Case No. 178 of 2016 pending in the court of learned Additional Chief Judicial Magistrate-II, Purnea/successor court.

Hence, prayer for bail is refused.

However, the learned trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of a copy of this order, failing which the petitioner may renew his prayer for bail before the learned court below itself.

**(Birendra Kumar, J)**

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