

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.749 of 2017

Arising Out of PS.Case No. -140 Year- 2016 Thana -DHAMDAHA District- PURNIA

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Baleshwar @ Baleshwar Mandal, Son of Late Shiv Narayan Mandal,
Resident of Village - Mahwala, P.S.- Rupauli, District - Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 27-02-2017

Heard learned counsel for the parties.

The petitioner seeks bail in a case registered under
Sections 363, 366 and 34 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner
along with others kidnapped the informant and sold her to some
pimps with a view to indulge her in prostitution. Learned counsel
for the petitioner submitted that the petitioner is innocent and has
been falsely implicated in the case. The petitioner never called the
victim on phone nor committed rape on her. It is further submitted
that the F.I.R. has been lodged after 7 days of the occurrence.
Delay in lodging of the F.I.R. itself falsifies the prosecution case.
The petitioner is in jail since 06.09.2016.

Learned A.P.P. has vehemently opposed the prayer
for bail and submitted that the victim has specifically stated in her



statements recorded under Section 161 Cr.P.C. that the petitioner made a call to her and gave her some biscuits to eat and she became unconscious. Thereafter, she was sold to someone else and co-accused Gopal committed rape on her.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail in Dhamdaha P.S. Case No. 140/2016. Accordingly, the prayer for bail is rejected.

(Arvind Srivastava, J)

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