

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18828 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -SHIWAPATHI District- MUZAFFARPUR

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Mukesh Kumar, S/o Fudeni Rai, R/o Village- Gosainpur, P.S.- Siwaipatti,
District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate

For the S t a t e : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 01-05-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned

counsel for the informant is also present.

The petitioner is in custody since 21.08.2017 in
connection with Sessions Trial No.785/2017 arising out of
Siwaipatti P.S. Case No.31 of 2017 registered for the offence
under Section 366A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that a
totally false and frivolous allegation has been levelled against
the petitioner. The entire sequence of events shows the falsity of
the accusation.

Diary in the present case was called for, which has
since been received.



Learned counsel for the informant, however, submits that the victim girl is a minor and had been recovered along with the petitioner and the allegation as made out by her in her statement under Section 164 Cr.P.C. clearly reveals that she was kidnapped at gun-point and thereafter she was taken to Delhi and forced to marry and thereafter repeatedly raped. Under such circumstances, the petitioner, being the main culprit in the offence, be not released on bail.

Learned counsel for the State after perusal of the case diary submits that the victim girl has narrated the entire events and has named the petitioner in her statement under Section 164 Cr.P.C.

Learned counsel for the informant has also submitted that the trial has advanced substantially, as out of four witnesses, three prosecution witnesses have already deposed and if the petitioner is enlarged on bail, the trial may be further delayed and may not reach to its logical conclusion.

In view of the aforementioned facts and circumstances and after consideration of all the factors, I am not inclined to grant bail to the petitioner. It is, accordingly, dismissed.

However, the trial court is advised to proceed with the trial at a pace which may lead to conclusion of the same within a



period of six months from the date of receipt/production of a copy of this order.

(Anjana Mishra, J)

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