

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61258 of 2017

Arising Out of P.S.Case No. -92 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Raviraj @ Raja S/o Basant Choudhary , R/o Village- Basbitti, P.S. &
District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-01-2018 Heard learned counsel for the petitioner.

This is an application for bail in connection with Supaul Mahila P.S. Case No. 92 of 2016, POCSO Case No. 31 of 2016, registered for the offences punishable under Sections 354, 376, 506, 366A of the Indian Penal Code and Section 6 of POCSO Act.

Allegation against the petitioner is of kidnapping and commissioning of rape upon a minor girl.

Submission of learned counsel for the petitioner is that though there is allegation of kidnapping and rape but they have already married and are living together as husband and wife and this fact has been brought to the notice of learned court below but petitioner has not been granted bail and he is in custody since 26.9.2017.



Heard learned APP also.

Having heard both sides and in view of the fact that she has supported the prosecution case of kidnapping in her statement under Section 164 Cr.P.C., I am not inclined to grant bail to the petitioner.

However, learned trial court is directed to proceed with the trial on regular basis and once the evidence of victim girl is recorded and in case she does not support the prosecution case then it will be open to the petitioner to renew his prayer for bail before the Special Judge, who will consider this aspect of the matter and pass appropriate order, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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