

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25970 of 2018

Arising Out of PS.Case No. -153 Year- 2017 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

=====

Umashankar Choudhary, Son of Mangla Choudhary @ Mangla Kurmi,
Resident of Village- Jamauli, P.S.- Rajpur, District- Buxar (Bihar).

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

3 23-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Bhagwanpur (Belaon)
P.S. Case No. 153 of 2017 registered under Section 366(A)/34 of
the Indian Penal Code.

Petitioner is said to have kidnapped the married
daughter of the informant enticing her to perform marriage with
him.

It is submitted by learned counsel for the petitioner
that no occurrence as alleged ever took place. Petitioner has been
falsely implicated in the case by the informant at the instigation of
his enemies. It is further submitted that the victim is major as
found by the doctor in medical examination and also evident from
the registration certificate of the Matriculation Examination.
Victim in her statement recorded under Section 164 Cr.P.C. has



stated that she was in love with the petitioner and herself eloped with him. Petitioner has been languishing in custody since 04.01.2018.

On the other hand, learned APP vehemently opposing the bail petition submitted that the victim in her statement recorded under Section 164 Cr.P.C. has stated that she had left her house with the petitioner who performed marriage with her in the temple and later on he took her to Orissa on pretext that he is unmarried, but she found him married having three children, then on her insistence to drop her at her village, petitioner assaulted her and committed rape against her and also wanted to shove her from the hill, but any how she managed to escape.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case.

(Prakash Chandra Jaiswal, J)

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