

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34023 of 2018

Arising Out of PS. Case No.-85 Year-2014 Thana- Sherghati District- Gaya

Chhotu Lal, Son of Pappu Lal @ Babua Wale, Resident of Village-Leepganj,
P.S.-Sherghati, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha
		Mr. Md. Javed Jafar Khan
For the Opposite Party/s	:	Mr. Ajay Kumar-l

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 08-08-2018 Heard Sri Ashok Kumar Sinha, learned counsel assisted by Mr. Md. Javed Jafar Khan, learned counsel for the petitioner and Sri Ajay Kumar, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody in Sherghati P.S. Case No. 85 of 2014 registered for offence under Sections 366 (A), 376, 120(B), 34 of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner submits that the daughter of the informant had fallen in love with petitioner and both had gone with consent for solemnizing marriage, however subsequently, a false case was instituted, as if, petitioner had kidnapped her. Learned counsel for the petitioner further submits that despite the fact that appearance of all the accused persons is complete, till date, the case has even not committed



to the court of sessions and petitioner is languishing in jail since 12-12-2017.

However, learned Addl. Public Prosecutor has drawn my attention to Annexure – 2 to the petition i.e. photocopy of the statement of the victim recorded under Section 164 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) and after going through the same, it is evident that victim has alleged that she was kidnapped by the petitioner and kept for some days, then in that period, the petitioner had also committed rape.

In view of statement of the victim recorded under Section 164 of the Cr.P.C., there is no reason to extend the privilege of bail. The prayer for bail stands rejected.

However, considering the fact that petitioner is in custody since the month of December, 2017, while dismissing the prayer for bail, it is desirable to observe that learned court below may take all steps so that the case may come to the stage of trial and thereafter, it may come to its logical end without unnecessary delay.

(Rakesh Kumar, J.)

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