IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37415 of 2018

Arising Out of PS.Case No. -99 Year- 2018 Thana -MOTIHARI MUFASIL District-EASTCHAMPARAN (MOTIHARI)

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1. Sunil Prasad Kuswaha, Son of Shambhu Prasad @ Shambhu Prasad Kushwaha, Resident of Village- Madhubani Ghat, P.S.- Muffasil, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Kumar Virendra narayan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 28-08-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Motihari Fuffasil P.S. Case No.99 of 2018, a case under Sections 363/365/366/34 of the Indian Penal Code, pending in the Court of learned Chief Judicial Magistrate, Motihari, East Champaran.

The victim, who is a minor, has supported the allegation that the petitioner and co-accused Baiju kidnapped her forcefully and thereafter Baiju committed rape against her.

Learned counsel for the petitioner submits that this is a case of love-affairs between the victim and Baiju. Petitioner has got

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no criminal antecedent. He is in custody since 16.03.2018.

Considering the nature of allegation and the fact that there is no material to substantiate love-affairs between Baiju and the victim or reason of false implication of the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The learned trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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