

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6879 of 2019

Arising Out of PS. Case No.-7 Year-2017 Thana- NARHATT District- Nawada

AKHILESH KUMAR, S/o Birju Yadav, Resident of Village- Nadsena, P.S.-
Narhat (Sitamarhi), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 23-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Narhat
(Sitamarhi) Police Station Case No.07 of 2017, registered for the
offences punishable under Sections 366A/34 of the Indian Penal
Code, pending in the court of learned 1st Additional Sessions
Judge, Nawada.

Earlier prayer was refused, vide order dated
06.04.2018 in Criminal Miscellaneous No.7127 of 2018.
According to F.I.R., minor daughter of the informant was
kidnapped by the petitioner and his father for the purpose of
marriage. On recovery, the victim girl stated that the petitioner
forcefully married with her and was in physical relation with her.

Submission of the learned counsel for the petitioner is



that the F.I.R. was lodged on 25.01.2017, whereas the occurrence was committed on 20.01.2017. On 25.01.2017 itself statement of the victim was recorded under Section 164 of the Code of Criminal Procedure and the Medical Board examined the victim on 27.01.2017 and did not find any recent sign of intercourse.

Contention is that false and frivolous allegation is there just to pressurize for marriage.

The report of the learned trial judge reveals that the case is running for prosecution evidence.

At this stage, the statement of the victim cannot be disbelieved only on the ground that the doctor did not find any recent sign of physical relation or on the ground that there is delay in lodging of the F.I.R., for the reason that before reporting such matter to the Police the victim and his family members thinks several times whether to make such situation public or not, which would not only affect the accused rather the social status and interest of the victim too. Therefore, I am not inclined to enlarge the petitioner, above named, on bail. Hence, prayer is refused.

The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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