

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15454 of 2019

Arising Out of PS. Case No.-175 Year-2017 Thana- NAUBATPUR District- Patna

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Dileep Kumar @ Dilip Rai aged about 22 years (Male) Son of Vijendra Rai @
Bijendra Rai Resident of Village - Gopalpur, P.S.- Naubatpur, Distt - Patna.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tewary
For the Opposite Party/s : Mr. Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in Naubatpur P.S. Case
No. 175 of 2017 registered under Sections 363 and 366(A) of
the Indian Penal Code.

Petitioner is said to have kidnapped the daughter
of the informant when she had stepped out of the house in the
night for defecation.

It is submitted by learned counsel for the
petitioner that the petitioner has no concern with the aforesaid
occurrence. He has been falsely implicated in the case because
he had assaulted the victim over row of grazing of his maize
field by her cattle. Confessional statement of the victim was
recorded three days later to her recovery which creates serious



doubt about the credibility and sanctity of the statement of the victim. Petitioner has been languishing in custody since 27.07.2017. It is further submitted that the case has yet not been committed by the court below. Earlier bail petition of the petitioner was rejected vide order dated 15.03.2018 passed in Cr. Misc. No. 6606 of 2018.

On the other hand, learned APP for the state opposing the bail petition submitted that the victim in her statement recorded under Section 164 Cr.P.C. has candidly stated that the petitioner had kidnapped her and kept her in a room at an unknown place and committed rape against her for one month, hence he does not deserve bail.

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 commit the case at the earliest and thereafter conclude the trial fixing the case on day to day basis as expeditiously as possible preferably within six months from the date of commitment of the case and S.P., Patna is directed to ensure the production of the witnesses in the case on each and every date fixed without fail.



Let a copy of this order be communicated to S.P.,
Patna by fax for needful.

(Prakash Chandra Jaiswal, J)

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