

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24249 of 2019

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

Uma Shankar Choudhary Son of Mangala Chaudhari Resident of Village -
Jamauli, P.S.- Rajpur, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta
For the Opposite Party/s : Mr. Mukeshwar Dayal

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

ORAL ORDER

3 26-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable 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 her.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The petitioner
has committed no offence and has no concern with the aforesaid
occurrence. He has been falsely implicated in this case at the
instance 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. Earlier vide order dated 23.05.2018 the prayer for bail of the petitioner was rejected with a direction to the learned Trial Court to conclude the trial as expeditiously as possible within nine months from the date of commitment of the case but the trial has not yet been concluded. Hence, the petitioner may be enlarged on bail.

Learned APP for the State vehemently opposing the bail petition submitted that the victim in her statement 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. Hence, the petitioner does not deserve bail.

Vide letter no.59/2019 dated 16.05.2019 the learned lower Court has submitted that the charge in the case has been



framed on 13.07.2018 and the case is pending for prosecution evidence. Out of all 8 chargesheet witnesses only one witness has been examined till today. He has further submitted that it will take three to four months to conclude the trial.

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

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within four months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Kaimur at Bhabua is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be sent to the Superintendent of Police, Kaimur at Bhabua for needful.

(Prakash Chandra Jaiswal, J)

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