

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33287 of 2019**

Arising Out of PS. Case No.-312 Year-2017 Thana- BATHNAHA District- Sitamarhi

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KAMESHWAR SAH @ KAMLESH SAH Son of Shiv Nandan Sah Resident
of Village- Rupauli, P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Ahmad Ali

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 24-07-2019 Heard the parties.

Earlier the prayer for bail of the petitioner was rejected by this Court, vide order dated 9.10.2018 passed in Cr. Misc. No.54504 of 2018 and the allegation against the petitioner is of kidnapping of the minor daughter of the informant and she has named the petitioner in her statement recorded under Section 164 Cr.P.c.

Submission of the learned counsel for the petitioner is that in this case he is in custody for more than one year, all the witnesses except the victim girl has been examined, statement of the accused was also recorded and thereafter a petition has been filed by the informant under Section 311 Cr.P.C. for examination of the victim girl, I.O. and the Doctor and that petition has also been allowed.



Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail and submitted that on very next day, he will get the victim girl examined in the court.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to expedite the trial and once the victim girl is examined in this case the petitioner shall be at liberty to move before the learned trial court for grant of bail, which will be considered by the learned trial court on the basis of the materials as appear during the trial and will pass appropriate order, if possible on the same day.

Learned counsel for the informant in this case is directed that he will get the victim girl examined within a period of one month.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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