

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12841 of 2021**

Arising Out of PS. Case No.-395 Year-2019 Thana- KORHA District- Katihar

=====

Nathu Mahaldar @ Nathu, Son of Bhola Mahaldar, R/o village- Barateni,
P.S.- Uda Kishunganj, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 25-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Korha P.S. Case No. 395 of 2019 registered for

the offence punishable under Section 363, 366, 506/34 of the

Indian Penal Code. He is in custody since 23.11.2019.

As per the prosecution story, the daughter of the

informant who was minor was allured by co-accused who took

her to her house in the village whereafter the daughter of the

informant did not return. The informant named four persons in

the F.I.R. who had allegedly threatened the daughter of the informant about 8-10 days back.

Learned counsel for the petitioner submits that later on the victim girl came back after about one and half month and has made her statement under Section 164 Cr.P.C. in which she has narrated the story and it has been alleged that this petitioner had forcibly committed rape with her and he kept her for about one and half month at Bhagalpur.

Learned counsel submits that although the victim girl is minor but from the entire story it may appear that she was in love with the petitioner and had left her house on her own.

Mr. Binod Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the victim girl has been found aged between 15-17 years and she has made specific allegation against this petitioner of commission of rape.

Considering the facts and circumstances of the case particularly that the victim girl is minor and there is direct allegation of commission of rape against this petitioner, this Court is not inclined to release the petitioner on bail.

Considering that the petitioner is in custody since 23.11.2019, this Court expects that the learned trial court shall

proceed with the trial of the case as early as possible and shall conclude the same preferably within a period of nine months from the date of communication of this order.

The prosecution must cooperate by producing all the witnesses including the victim as early as possible and despite all this if the trial is not concluded within the aforesaid period of nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.