

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29937 of 2020

Arising Out of PS. Case No.-26 Year-2018 Thana- GOVINDGANJ District- East Champaran

Jitendra Thakur @ Jitu Thakur S/o Late Rajdeo Thakur Resident of Village-
Banauli, P.S.- Kaswa, District- Purniya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner in connection with Sessions Trial No.681 of 2018 (arising out of Govindganj P.S. Case No.26 of 2018) registered under sections 363, 365, 366 and 34 of the Indian Penal Code.

The allegation against the petitioner along with other accused persons is of having kidnapped the married daughter of the informant along with her daughter and of having committed rape on her.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 11.1.2019 passed in Cr.Misc. no.73191 of



2018. It is submitted that the trial Court was directed to expedite the trial. In spite of more than nearly 2 years having passed since the passing of the said order, the trial has still not concluded. It is further submitted that the petitioner has a good case on merits. Referring to the statement of the victim under section 164 Cr.P.C., learned counsel contends that the daughter of the informant and Jitendra Thakur were known to each other from before and it is for this reason that in spite of the petitioner being a resident of Purnea, while the occurrence has taken place in the East Champaran, soon after the alleged occurrence the petitioner along with others are named by the father of the informant in the F.I.R. The daughter of the informant had gone out of her own free will and subsequently as a result of pressure from family had deposed in the manner as given in Annexure-3 to the petition. The daughter of the informant has also been examined in course of trial where in her cross examination she categorically states that she was taken to Nepal and from there to Motihari and in all the way neither she raised any alarm nor did she call for any help. The petitioner is in custody since 5.3.2018.

The application for bail is opposed by learned APP for the State.



By order dated 4.12.2020 a report in respect of the stage of trial was called for in the case. As per the report contained in letter dated 11.12.2020 of the Additional District and Sessions Judge-X, East Champaran, Motihari, 5 out of the 10 prosecution witnesses have been examined.

Having heard learned counsel for the parties and in the facts and circumstances of the case where 5 prosecution witnesses having been examined, this Court is not inclined to enlarge the petitioner on bail and as such the same is rejected.

Learned Court below is directed to expedite the trial.

(Partha Sarthy, J)

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