

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13281 of 2024

Arising Out of PS. Case No.-559 Year-2017 Thana- NAGAR District- Vaishali

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Tinku Kumar S/O Late Chulhai Rai R/O Village- Litiyahi, P.S.- Raghapur,
Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
P.S. Case No. 559 of 2017 instituted for the offences under
Sections 366A, 365, 34 of the Indian Penal Code and charge-
sheet has been submitted under Sections 365, 366A, 376, 34 of
the Indian Penal Code.

3. Prosecution case, in short, is that, petitioner along
with other co-accused abused and assaulted the informant's
daughter and thereafter, kidnapped her. It is further alleged in
the FIR that the informant suspects that the accused persons
would indulge her daughter in wrongful act.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is a delay of five days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that statement of the victim under Section 164 of the Cr.P.C. was recorded 4 days after of the lodging of the FIR. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.09.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution version. Learned counsel further contended that even in the medical report, injury has been found on the right side of the face near her ear. Learned counsel further submitted that as per the statement of the victim recorded under Section 164 of the Cr.P.C. supported by the medical report of the victim, the involvement of the petitioner in the alleged assault and the act



of kidnapping of victim cannot be ruled out, and therefore, learned APP prays that petitioner may not be released on bail.

6. Having considered the rival submissions of both the parties and material available on record, it is evident that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the contents of the FIR, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is, hereby, rejected.

8. Learned trial Court is directed to expedite the trial and conclude the same as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, if the trial is not concluded within a period of nine months from today, liberty is granted to the petitioner to renew his prayer for bail after a period of nine months from today before the learned trial Court itself, and the learned trial Court shall consider the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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