

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3705 of 2017

Arising Out of PS.Case No. -36 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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Heera Jha, son of Baidyanath Jha, Resident of village- Jasman, P.S. Pandaul, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-02-2017

Heard learned counsel for the petitioner and State

The petitioner seeks bail in G.R. No. 20 of 2015 arising out of Madhubani Mahila P.S. Case No. 36 of 2015 instituted for the offence under sections 342, 493, 376, 313/34 of the Indian Penal Code.

There is allegation against this petitioner that wife of Sona Jha took the informant to her house where this petitioner caught hold her and after taking her in a room committed rape with her in spite of protest made by the informant. It has further been alleged that the informant became pregnant, then this petitioner with other accused persons, forcibly took her to Pandaul Bazaar with assurance of marrying her and got her aborted.

In the statement of the victim girl recorded under



section 164 of Cr.P.C. she has supported the case and alleged specific allegation against this petitioner of committing rape with her and when she became pregnant, he got her aborted.

The learned counsel for the petitioner submitted that in the medical report, the age of the victim girl has been assessed to be 18-19 years. The victim girl was medically examined wherein the doctor has stated that she is habitual to sexual intercourse and it is her second abortion.

The medical report supports the allegation against this petitioner that informant became pregnant and her abortion took place.

In such circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail is rejected.

The court below is directed to expedite the trial of the accused persons. The petitioner would be at liberty to renew prayer for bail after nine months if no substantive progress is made in the trial.

(Sanjay Priya, J)

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