

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2809 of 2016**

Arising Out of PS.Case No. -658 Year- 2014 Thana -MUZAFFARPUR TOWN District-  
MUZAFFARPUR

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1. Raja @ Chitranjan Kumar Son of Surendra Mandal, Resident of Mohalla  
- Sikandarpur Chowk, Ward No. 13, P.S. town, District - Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Md. Arif(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

2      09-03-2016                      Heard learned counsel for the petitioner and the  
  
State.

The petitioner has renewed his prayer for bail is languishing in custody since 13.08.2014 in a case registered for the offences punishable under Section 376 of the Indian Penal Code, 12, 17, 10 of the Protection of Children from the Sexual Offences Act.

The earlier bail application of the petitioner was rejected by a Co-ordinate Bench of this Court vide Cr. Misc. No. 13240 of 2014 since the said Coordinate Bench is not available due to medical exigency and the matter has been placed before this Court in view of the administrative order of Hon'ble the Acting Chief Justice dated 08.03.2016.

The prosecution case is that the informant

Poonam Kumari went to see movie along with the petitioner Raja @ Chitranjan Kumar. While she was returning, the petitioner took her to Sikandarpur Chowk where Vikky Kumar also present and they all ravished her in the toddy shop of Vikky Kumar. The police also arrived at the place of occurrence and apprehended accused persons.

It is submitted by the learned counsel for the petitioner that in 161 Cr.P.C. statement the victim alleged that three accused persons ravished her, though, in 164 Cr.P.C. statement the victim stated that she was ravished only by the petitioner. It is very fairly submitted by the learned counsel for the petitioner that out of seven charge-sheeted witnesses six have been examined. Though the victim has been declared hostile.

Considering the present stage of trial, this Court is not inclined to interfere.

It is expected from the learned trial court to conclude the trial within four months. If the trial is not concluded within a period of four months, the petitioner will be at liberty to renew his prayer for bail.

Accordingly, the application stands dismissed.

**(Dinesh Kumar Singh, J)**

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