

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34212 of 2016**

Arising Out of PS.Case No. -39 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

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1. Manish Kumar Son of Late Shiv Saw, Resident of Village- Naya Tola,  
Suryagarha, Police Station- Suryagarha, District- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      28-10-2016                      A supplementary affidavit has been filed on behalf of  
  
the petitioner. The same may be kept on the record.

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in G.R. case No.244 of 2014  
arising out of Suryagarha P.S. case No.39 of 2014 instituted for  
the offence under Sections 376, 504 and 506/34 of the Indian  
Penal Code and Section 4 of the POSCO Act, pending in the court  
of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge,  
POSCO, Lakhisarai.

Allegation is that the petitioner after closing the door  
committed rape with the informant's daughter.

It has been submitted on behalf of the petitioner that the  
petitioner is in custody since 16.2.2014. Charge has already been

framed. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioner. The petitioner has falsely been implicated in the present case. There is contradiction between the statement recorded under Section 164 of the Cr.P.C. and the deposition made by the victim in course of trial.

On behalf of the State, it is submitted that the commission of rape has not been denied by the victim. That is consistent as far as the statement recorded under Section 164 of the Cr.P.C. and the deposition made by the victim in course of trial.

A report was called for from the Trial Court regarding the stage of the trial. It has been reported that out of ten prosecution witnesses three witnesses have already been examined and the trial is expected to be concluded within six months.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of six months from the date of receipt/production of a copy of this order. If the Trial Court so feels, the Trial Court may conduct the trial on day-to-day basis.

The District Magistrate, Lakhisarai and the

Superintendent of Police, Lakhisarai are also directed to ensure that the prosecution witnesses are produced in the court on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai.

**(Sudhir Singh, J)**

Narendra/-

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