

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50233 of 2017

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Santosh Yadav @ Mantosh Yadav @ Mantosh, Son of Chandra Shekhar Yadav, Resident of Village – Bihraura, P.S.-Lakhisarai (Ramgarh Chowk), District-Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in S.T. No. 73 of 2016 arising out of Lakhisarai (Ramgarh Chowk) P.S. Case No. 739 of 2015 registered under Section 376 of the Indian Penal Code.

The petitioner is said to have committed rape against the informant during the course of defecation.

It is submitted by learned counsel for the petitioner that he has not committed such occurrence. The victim in her statement recorded before the court has also not supported the prosecution case rather turned hostile and other witnesses have also not supported the prosecution case. The case is still pending for want of FSL report. The petitioner has been languishing in custody since 30.11.2015.



From perusal of the impugned order dated 06.09.2017, it appears that the Superintendent of Police, Lakhisarai has been directed by the court to ensure the production of the FSL report and the petitioner has been given liberty to renew his prayer for bail after four months, if the trial is not concluded within the aforesaid period.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail at this stage. The prayer for bail of the petitioner is rejected. However, the learned lower court is directed to conclude the trial as expeditiously as possible within three months from receipt or production of a copy of this order and if the trial is not concluded within the aforesaid period, the learned lower court may consider the prayer for bail of the petitioner.

(Prakash Chandra Jaiswal, J)

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