

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44879 of 2017**

Arising Out of PS.Case No. -222 Year- 2016 Thana -BEUR District- PATNA

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Pramod Kumar Sah, Son of Sri Yugal Sah, Resident of Mohalla- Sipara  
Matkhan, P.S.- Beur, District- Beur.

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

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

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      01-11-2017

Heard learned counsel for the petitioner and the State.

The prayer for bail of the petitioner was earlier rejected by  
this Court vide order dated 02.02.2017 passed in Cr. Misc. 889 of  
2017.

Learned counsel for the petitioner has submitted that he is  
in custody since 23.09.2016 and no progress has been made in this  
case. He has further submitted that there is inconsistency in the  
statement of victim girl recorded under Section 164 Cr. P.C. and the  
statement given in the written report before the police.

Learned A.P.P. has appeared and submitted that there is  
specific allegation against the petitioner of committing rape with the  
informant. She wanted to commit suicide but on cry of her daughter,  
the neighbours came and saved her. The statement of the informant  
recorded under Section 164 Cr. P.C. has also supported the case



wherein she levelled specific allegation against the petitioner of committing rape with her.

Report about current status of the case was called for which has been received. The Trial Court has submitted that charge has already been framed in this case on 18.03.2017 and not a single witness has been examined by prosecution.

Since there is specific allegation of overt act against this petitioner of committing rape with the informant, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

However, the petitioner is in custody since 23.9.2016, the trial court is directed to expedite the trial and make all efforts to conclude the same as early as possible preferably within a period of nine months without giving unnecessary adjournment to the parties and giving short dates in the trial.

Petitioner is given liberty to renew his prayer for bail in the court below itself if the trial is not concluded within nine months and in that event, the court below will give reason in the order for not concluding the trial within nine months.

**(Sanjay Priya, J)**

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