

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4276 of 2018

Arising Out of PS.Case No. -560 Year- 2015 Thana -KADAMKUAN District- PATNA

=====

Rajeev Kumar @ Rajeev Ghosh @ Appu, Son of Late Manoranjan Ghosh,
resident of Nand Nagar Colony, Police Station- Bahadurpur, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the State : Mr. Ram Bachan Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
20.11.2015 in connection with Sessions Trial No. 423 of 2016,
arising out of Kadamkuan P.S. Case No. 560 of 2015 registered
for the offence under Section 376(D) of the IPC.

The prosecution case, in brief, is that on 18.11.2015 at
1.00 P.M., the petitioner had made call at 10 P.M. and said the
informant to come at N.I.T. More from where he departed with her
by vehicle for Nala Road and told that he has booked hotel. But he
took her to Bapu Smarak School, Nala Road, where his friend
Baidynath Kumar @ Lakhana was already present where they
forcibly committed rape with her.



Earlier the bail application of the petitioner was rejected on 01.08.2016 vide Cr. Misc. No. 16767 of 2016 taking into account that the victim girl, in her statement under Section 164 Cr. P.C. had supported the allegation of commission of rape.

The medical evidence also supported the allegation made by the victim. A report was called for from the court below regarding the stage of the case. It has been reported by the court below that on 15.07.2016 charge has been framed and the trial is expected to be concluded within a period of six months. It has further been pointed out by learned counsel for the petitioner that other co-accused Baidyanath Kumar @ Baijnath Kumar @ Bed Nath Kumar @ Bedant Kumar @ Lakhan Kumar @ Lakhan has been granted bail. From perusal of the order granting bail of the said co-accused, it has been noted that the trial court issued notices to the witnesses including the informant and when the concerned police went to serve notice upon the informant, informant refused to take notice and to depose herself before the court.

The report of the court below, called for in this case, is on record. I do not find any such fact mentioned in the report of the court below.

Considering the aforesaid facts and circumstances and the allegation, I am not inclined to grant bail to the petitioner. The



same is rejected in connection with Sessions Trial No. 423 of 2016, arising out of Kadamkuan P.S. Case No. 560 of 2015, pending in the court of learned Additional District and Sessions Judge-IXth, Patna.

The court below is directed to take all necessary steps to conclude the trial within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate, Patna and the Senior Superintendent of Police, Patna, are directed to ensure that the remaining prosecution witnesses are produced in the court below on the date fixed so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Patna and the Senior Superintendent of Police, Patna.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

