

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14733 of 2019

In
CRIMINAL MISCELLANEOUS No.28952 of 2018

Arising Out of PS. Case No.-134 Year-2018 Thana- NARPATGANJ District- Araria

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RUPESH RAM, aged about 26 years (Male), Son of Maheshwary Ram,
Village- Belsandi , P.S- Narpatganj, District-Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pramod Kumar Thakur, Advocate.

For the Opposite Party : Mr.Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
02.04.2018 in a case for the offence registered under Sections
376 of the IPC and 4 of POCSO Act.

The prosecution story, in brief, is that on 12.03.2018
at about 11.30 P.M. in the night, the informant and her friends
had gone to attend the marriage ceremony of her friend, namely,
Puja, and when at about 2.00 A.M. in the night while she was
returning to home, this petitioner suddenly came from behind
and started assaulting her friends due to that they raised alarm
and fled away. The petitioner dashed the informant in a ditch
and thereafter, dragged her in a Maize field and forcibly



committed rape. It has also been alleged that the petitioner threatened the informant not to disclose the matter anyone. The informant reached at her home and narrated the entire episode to her mother and due to late night, on next morning the mother of the informant brought her at the police station.

Earlier bail of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 28952 of 2018 under order dated 02.07.2018 taking into account that the allegation of rape against the petitioner has been supported by the statement of the victim recorded under Section 164 Cr. P.C.

A report was called for from the learned court below. It has been reported that the charge has been framed on 13.09.2018.

Considering the nature of allegation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Spl. (POCSO) Act Case No. 14/2018, arising out of Narpatganj P.S. Case No. 134 of 2018, pending in the court of learned 1st Additional Sessions-cum-Spl. Judge, Araria.

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



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

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

(Sudhir Singh, J)

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