

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21379 of 2020**

Arising Out of PS. Case No.-79 Year-2011 Thana- SINGHIYA District- Samastipur

CHANDAN KUMAR BHUPENDRA SINGH @ CHANDAN KUMAR
SINGH Son of Late Bhupan Singh @ Bhupendra Singh Resident of Village -
Singhiya, P.S.- Singhiya, District - Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Vijay Anand, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-09-2020 Learned counsel for the petitioner undertakes to remove all the defects within four weeks after start of normal functioning of the Court.

Heard Mr. Ramakant Sharma, learned Senior Counsel for the petitioner assisted by Mr. Vijay Anand, learned Advocate on record and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Singhiya P.S. Case No. 79 of 2011 registered for the offences punishable under Sections 363, 366(A), 376/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that as per the allegations in the First Information Report the petitioner is said to have allured the minor daughter of the informant and taken her away on his motorcycle with an intention to marry her. The



victim girl has, however, come back and in her statement under Section 164 Cr.P.C. she has though alleged that she was forcibly taken and was kept for two months and that she was being pressurized to marry, she did not say anything wrong committed against her by the petitioner. She has rather stated that on her asking this petitioner to let her go to the house of her parents, this petitioner brought her to the bus depot.

It is, thus, the submission of learned Senior Counsel that there is no allegation of rape against the petitioner and further the medical examination report which is available in the case diary shows no injury found on any part of the body of the victim girl. The Medical Board has opined that it cannot be said with certainty whether rape has been committed or not.

Learned Senior Counsel further submits that though the petitioner has been brought in this case after his arrest in a case under the Arms act, the fact is that the petitioner was not aware of this case, he was residing at Pune and in this connection he has brought on record the copy of the Aadhar Card (Annexure '3') to show his Pune address. It is lastly submitted that the petitioner is in custody in connection with this case since 09.08.2019, charge against him has been framed but there is no chance of conclusion of trial in near future.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the FIR as well as



the Medical Board report shows that the victim girl was aged between 15-16 years only when she was taken away by this petitioner and was kept for two months with him.

It is submitted that whatever be the allegations, the another fact is that the petitioner has been absconding in this case, chargesheet in this case was filed against him showing him absconder in the year 2012 and it is only when the petitioner has been arrested in connection with the case under the Arms Act as stated in paragraph '3', he could be brought in this case and now by framing the charge in fact the trial has begun which is likely to be concluded very soon once the court starts normal functioning. It is thus, submitted that considering the long gap of about seven years for which the petitioner remained absconding in this case, it may be reasonably argued that if he is released on bail at this stage it may be difficult for the Court to conclude the trial within a reasonable period.

Having regard to the facts and circumstances of the case, considering that the petitioner was absconding in this case for about seven years and has been brought in this case only on 09.08.2019, charge has already been framed against him and the trial is likely to be concluded once the Court starts normal functioning. Considering further that the petitioner is permanently now residing in Pune, it will be difficult for the trial court to proceed with the trial and there may be a chance that the trial is not concluded in the near future if the



petitioner is released on bail at this stage, this Court is, thus, not inclined to release the petitioner rather the Court directs the learned trial court to expedite the trial once the Court starts normal functioning by fixing the case on day-to-day basis and refusing adjournments to any of the parties unless a very special case for adjournment is made out. If the trial remains un-concluded for any reason attributable to the prosecution alone for a period of six months after start of normal functioning of the Court, the petitioner would be at liberty to renew his prayer for regular bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

