

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12874 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- NAANPUR District- Sitamarhi

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SUNIL RAM, Son of Birendra Ram, Resident of Village - Raipur, P.S.-
Nanpur, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.

Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Nanpur P.S. Case No. 28 of 2020 registered for

the offence punishable under Section 376/511 of the Indian

Penal Code.

Learned counsel for the petitioner submits that the

petitioner has been falsely implicated in this case. It is his

submission that the kind of materials which have come in this

case may at best give an impression that the petitioner and the

victim girl were in love with each other and the petitioner had gone to meet her when he was caught by her family members and then a false case has been registered.

Learned counsel submits that prior to the present case Nanpur P.S. Case No. 470 of 2019 under Section 363, 366A/34 of the Indian Penal Code was registered against the petitioner in relation to the same victim girl, however, when the victim girl made her statement in the said case she denied the allegation that she was kidnapped.

On the other hand, Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the victim girl is aged about 15 years whereas this petitioner is aged about 28 years. From the earlier case it appears that the petitioner is somehow trying to establish relationship with the victim girl and in the night of the alleged occurrence he had entered in the room of the victim girl when other family members had gone to sleep after taking their dinner. He was found inside the room of the victim girl at about 5.30 A.M. when the daughter of the informant started shouting from her room then all the family members went there and found the petitioner present who had indulged in teasing the victim girl and had been trying to commit rape on her.

Considering the facts and circumstances of the case wherein this petitioner is much elder in age compared to the age of the victim girl and has been found inside the room of the victim girl trying to commit rape on her, this Court is not inclined to release the petitioner on bail at this stage. He is in custody since 27.01.2020, therefore, the trial court is expected to proceed with the present case as early as possible and if the charge has not yet been framed, the same may be done within a period of one month from today and all endeavours be made to conclude the trial within a period of nine months from the date of commutation of this order.

If the trial is not concluded within the given period of nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

(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'.