

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14045 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- DIGHWARA District- Saran

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1. Dilip Rai, Son of Prayag Rai
 2. Vinay Rai, Son of Sudish Rai

Both are resident of Village- Manupur, Police Station- Dighwara, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Singh, Adv.
For the Informant	:	Mr. Ajay Kumar Sharma, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-07-2021 Heard Mr. Arun Kumar Singh, the learned

Advocate for the petitioners and Mr. Ajay Kumar Sharma,

the learned counsel for the informant. The State is

represented by the learned APP.

The petitioners seek bail in connection with

Dighwara P.S. Case No. 72 of 2020, dated 13.03.2020,

instituted for the offences under Sections 341, 323, 376(D)



and 34 of the Indian Penal Code and Section 4/6 of the Protection of Children from Sexual Offences Act, 2012.

The learned counsel for the petitioners has submitted that on the earlier occasion, the prayer for bail was rejected by this Court *vide* order dated 13.10.2020 passed in Cr. Misc. No. 25987 of 2020. It has also been urged that this Court did not take into account that the date of the F.I.R. is prior to the date of the occurrence and the petitioners have falsely been implicated in this case.

The learned counsel for the petitioners has further submitted that they are in custody since 14.03.2020 and after the framing of charges, there has been no further progress in the trial.

However, looking at the accusation in the F.I.R. against the petitioners of having ravished a thirteen year old girl when she had gone to attend the call of nature, I am not inclined to grant bail to them.

The prayer for grant of bail of the petitioners is, accordingly, rejected.

However, taking the period of custody of the



petitioners into account, it is directed that if there is no substantial progress in the trial in the next nine months, the petitioners would be at liberty to approach the Trial Court for grant of bail and in that event, the Trial Court would be required to state reasons for non-conclusion of the trial within the aforesaid period.

With the aforesaid observation/direction, the application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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