

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43019 of 2021

Arising Out of PS. Case No.-207 Year-2016 Thana- BIKRAM District- Patna

Raju Ram, aged about 29 years, Male, S/O Bhagwan Ram, R/O Village-Arap,
P.S-Bikram, District-Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sabal Kumar Jha, Advocate
For the Opposite Party : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-12-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of eight weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
22.10.2016 in connection with Special Case No. 18/2017,
arising out of Vikram P.S. Case No. 207/2016, initially,
registered for the offence under Section 366(A) of the I.P.C. but
after investigation, charge sheet was submitted under Sections
366(A) and 376/34 of the Indian Penal Code and Section 8 of
POSCO Act.

The prosecution story, in brief, is that the daughter of
the informant aged about 15 years went to attend call of nature



on 11.09.2016 in the evening, but she did not return and after enquiry, it transpired that the petitioner has kidnapped her. During investigation, the victim was recovered and her statement has been recorded under Section 164 Cr. P.C. wherein she has supported the allegation of kidnapping and also that the petitioner committed rape with her.

Earlier the bail applications of the petitioner were rejected vide Cr. Misc. No. 29796 of 2017 under order dated 11.07.2017 by the then Co-ordinate Bench of this Court and vide Cr. Misc. No. 29171 of 2019 under order dated 17.08.2019 by a Bench of this Court, annexed as Annexures-1 and 1/1 to the present application, taking into account that the victim in her statement under Section 164 Cr. P.C., had admitted that she was subjected to kidnapping and rape.

A report was called for from the learned court below regarding the present stage of the case. It has been reported that out of 08 prosecution witnesses, 06 prosecution witnesses have already been examined. The remaining witnesses Investigating Officer, Doctor and victim's mother have not been examined. It is further stated that the trial is likely to be concluded within a period of four months.

Considering the nature of accusation and the stage of



the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Special Case No. 18/2017, arising out of Bikram P.S. Case No. 207/2016, pending in the court of learned Additional Sessions Judge-Ist-cum-Special Judge, POSCO Act, Patna.

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

The District Magistrate, Patna, and the Senior Superintendent of Police, Patna, are also directed to ensure that the official witnesses i.e., the Investigating Officer and the Doctor and the mother of the victim are produced on the date fixed in 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, Patna and the Senior Superintendent of Police, Patna.

(Sudhir Singh, J)

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