

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7105 of 2021**

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA P.S. District- Samastipur

VIKASH KUMAR RAY @ VIKASH RAI S/o Late Bharat Rai R/o Village-
Mana Rai Tol, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

4 06-07-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Mahila P.S. Case No. 59 of 2018 registered for the offences punishable under Section 376 of the Indian Penal Code.

As per the prosecution story the informant has alleged that in the night of 23.12.2018 the petitioner entered into her house by cutting lock and committed rape on her and also threatened her to kill if she discloses about this to anyone, her gotni had seen the petitioner running away in torch light.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the F.I.R. in this case has been lodged after



a delay of two days. Learned counsel submits that petitioner is in custody since 23.11.2019.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that there is an allegation of rape against this petitioner and in the case diary the witnesses have supported the allegations and have said that they had seen the petitioner fleeing away from the house of the informant, considering the kind of materials placed before this Court and that the petitioner has got five criminal antecedents, this Court is not inclined to release the petitioner on bail. The prayer for bail is thus refused.

Let the trial be expedited.

Since the petitioner is in custody for over one and half year, the learned trial court is expected to proceed with the trial as early as possible and conclude the same preferably within a period of one year. If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for 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'.

