

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5542 of 2021**

Arising Out of PS. Case No.-20 Year-2020 Thana- CHAKIA District- East Champaran

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SUMAN KUMAR PATEL Son of Ram Narayan Patel Resident of Village -
Pathkhaulia, P.S.- Chakia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prateek Tandon, Adv.
For the Opposite Party/s	:	Mr.Choubey Jawahar, APP
For the Informant	:	Mr.Rajesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 24-08-2021 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, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Chakia P.S. Case No.20/2020 registered for the
offences punishable under Sections 324, 376 and 511/34 of the
Indian Penal Code.

As per the prosecution story, when the victim girl was
returning after attending her tuition classes at about 4.30 pm this
petitioner along with the co-accused intercepted her. It is alleged
that the co-accused pulled her down from her bicycle and put
her down on the earth whereafter this petitioner got over her and

injured her chick in an attempt to commit rape on her.

Learned counsel submits that the petitioner has been falsely implicated in this case. On the last date, the matter was adjourned to enable learned counsel for the petitioner to place on record the deposition of the witnesses who have deposed so far in course of trial. It is stated that out of ten witnesses, four have already been examined. The victim girl is yet to be examined in course of trial.

Learned counsel submits that he has placed on record the deposition of the witnesses. He has read over the complete examination-in-chief of the father of the victim girl who has supported the prosecution story.

Learned counsel further submits that the co-accused Raghuni Pandit has been granted regular bail by a learned coordinate Bench of this Court in Cr.Misc.No.22806/2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner. It is submitted that the victim girl has been found aged about 14 years only and there is no reason why she will implicate this petitioner in the present case. The allegation against the petitioner is serious in nature and now that four witnesses have already been examined out of ten and the trial court has started functioning in hybrid

mode, the trial may be concluded within a reasonable time.

Learned APP further submits that the case of the petitioner stands on a different footing from that of the co-accused Raghuni Pandit.

Considering the facts and circumstances of the case, the seriousness of the allegation and the kind of the materials placed before this Court, the Court is not inclined to release the petitioner on bail.

This Court agrees with the submission of learned APP for the State that the case of the petitioner stands on a different footing for purpose of grant of bail from that of Raghuni Pandit.

Since the trial court's report says that the trial may be concluded within a period of six months, it is expected that the trial court shall fix the matter on day to day basis and complete the trial within the period fixed by it. The prosecution must cooperate in producing all the witnesses on the date fixed in the matter.

(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'.