

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6755 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- IMAMGANJ District- Gaya

Shankar Bharti Son of Krishna Bharti Resident of Village- Kodwariya Tand,
P.S.- Imamganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-07-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Imamganj P.S. Case no.
75 of 2020 registered under section 376 of the Indian Penal
Code.

As per allegation in the FIR, the sister-in-law of the
informant who is deaf and dumb, was raped.

It is submitted by learned counsel for the petitioner
that the FIR was registered against unknown. The name of the
petitioner transpired in course of investigation. The petitioner
was not arrested at the spot. The doctor who examined the
victim has not given any cogent evidence to support the



allegations made in the FIR. The only material against the petitioner is the confessional statement recorded before the police. No independent witness has supported the allegations. The petitioner has not been put on T.I. Parade. He is in custody since 27.5.2020. There is no progress in the case in the learned Court below.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that it has transpired in course of investigation that on the photograph of the petitioner being shown to the victim, who is neither able to speak nor hear, she immediately identified the petitioner as her assailant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the victim having identified the petitioner as the accused - assailant who committed rape on her, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

In the facts of the case, as observed by the learned Court below in the order rejecting bail application of the petitioner, the petitioner will be at liberty to renew his prayer for



bail in the learned Court below after framing of charge and examination of the informant/victim and the doctor. On the application so being preferred by the petitioner, the same shall be considered on its own merit without being prejudiced by order of rejection by this Court.

(Partha Sarthy, J)

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