

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9454 of 2021

Arising Out of PS. Case No.-103 Year-2019 Thana- MAHILA P.S. District- Patna

Nityanand Sharma @ Lallan Sharma Sonof Rama Kant Sharma Resident Of
Village-Chandaukhar, Ps-Kurtha, District-Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-09-2021 A sealed envelop received from the Director, Forensic Science Laboratory, Patna, Bihar is available on the record, the same has been opened by the Bench Officer with the permission of this Court. At the same time, there is also a sealed bag and the seal has been broken and lock is opened by the Bench Officer. From the sealed envelop an attested copy of the report bearing F.S.L. No. 2679/2019, a copy of which is already available in open on the record, has been found. In the bag also a copy of the same report has been made available.

Heard learned counsel for the petitioner and Mr. Binod Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Mahila P.S. Case No. 103/2019 registered for the offence under Section 376(D) of the Indian Penal Code. His prayer for regular bail has been earlier rejected by the learned



Predecessor Bench of this Court vide order dated 31.08.2020 passed in Cr. Misc. No. 8297/2020.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. The victim lady was in live-in relationship with this petitioner and she being aged about 37 years had established physical relationship with the petitioner on her own sweet-will and volition, later on she started pressurizing the petitioner to marry her. The petitioner is already married and has got children and this fact was well known to the informant, therefore at this stage, her allegation of rape is only a concocted allegation.

Learned counsel further submits that the informant is in habit of lodging F.I.Rs. and this would be evident that for similar offence she has lodged F.I.R. against the petitioner and his associates in past also.

On the other hand, Mr. Binod Kumar, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that as per the First Information Report this petitioner had committed rape on the lady when she had stayed in the Hotel at the instance of the company's management with whom she was related as a business associate. Learned A.P.P. further submits that the FSL report which has been placed on the



record substantiates the allegations made by the informant.

Considering the facts and circumstances of the case, the specific allegation against the petitioner of committing rape on the victim and the same getting corroborated from the DNA report submitted by the Forensic Science Laboratory, this court is not inclined to release the petitioner on bail.

The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited. It appears from the report of the learned trial court that the case is fixed for framing of charge and the co-accused, who is on bail, is not putting appearance. It is expected that the trial court shall take appropriate steps in accordance with law to procure the appearance of the non-appearing accused and all endeavours shall be made to frame the charge within a period of three months from date of the communication of this order and conclude the trial preferably within a period of one year thereafter. The prosecution must cooperate in conclusion of trial by producing the witnesses on the dates fixed in the matter.

In case the trial remains unconcluded during this period for no reason attributable to the petitioner, he may renew his prayer for bail.

Let the FSL Report be kept in the bag and same be



sealed and returned to the Forensic Science Laboratory, Patna,
Bihar.
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(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

