

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2282 of 2022

Arising Out of PS. Case No.-114 Year-2014 Thana- DESARI District- Vaishali

Abhishek Kumar Son of Surajdevo Rai Resident of Village - Deshri Rampur
Kichni, P.S. - Deshri, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 15-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Desari
P.S. Case No. 114 of 2014, registered for the offences
punishable under Sections 376(a), 34 of the Indian Penal
Code, Sections 3 and 8 of the Protection of Children from
Sexual Offences Act, 2012 and Section 3(x) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act.

The prosecution case as emerging from the F.I.R.
is that petitioner along with his associates had committed
gang rape with a girl while she was returning to her home



after filling water in a bucket.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been languishing in jail since 10.10.2019. He also submits that the trial is going on, all the witnesses except formal witnesses have been examined and case is pending for examination of formal witnesses.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail vide order dated 10.04.2015 passed in Cr. Misc. No. 48236 of 2014.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged F.I.R. has been lodged under Section 376 for gang rape of a minor SC/ST girl and other co-accused have been convicted and on account of absconding the present petitioner, his trial has been



separated and he is facing separate trial.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, the Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of six months, the petitioner is at liberty to renew his prayer for bail.

It is also pertinent to note here that as per the record, it transpires that original record is not with the Trial Court. Hence, trial is not progressive for want of some documents like seizure list and others and Trial Court has requested this Court for sending the record of the case which has been attached with Cr. Appeal (SJ) No. 63 of 2016 filed by co-accused.

Hence, copy of this order be sent to the Registrar General of this Court so that he can do needful.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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