

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6098 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- AWTARNAGAR District- Saran

Akbar Ali Son of Ashalam Ali Resident of Village- Pratappur Tola Mathiya,
P.S.- Awatar Nagar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Awatar
Nagar P.S. Case No. 185 of 2021 registered for the offence
under Section 376 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.11.2021.

The allegation against the petitioner is to commit rape
upon daughter of the informant, on the false pretext of marriage.

Learned counsel appearing on behalf of the petitioner
submitted that the allegation of rape is in the background of



promise for marriage, and same was consented by the victim. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly submitted that victim, in her statement recorded under Section 164 of the Cr.P.C., specifically alleged the petitioner to commit rape upon her. It has been further submitted that trial of this case is almost completed, where out of 07 (seven), 05 (five) witnesses have already been examined.

It appears from the report of District & Sessions Judge, Saran at Chapra, dated 08.07.2022 bearing letter no.247, that only 02 (two) prosecution witnesses are left for examination in the present case.

Considering the facts and circumstances as mentioned above, as the trial is almost concluded, this Court is not inclined to grant privilege of bail.

Accordingly, the prayer of bail of the petitioner is rejected.

However, trial court is directed to conclude the trial,



in accordance with law, within a period of 30 (thirty) days from the date of receipt of this order, without any further delay.

The Superintendent of Police, Saran, is directed to produce the charge-sheeted witnesses, as and when required by the trial court for expeditious disposal of the trial, within stipulated period, as directed above.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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