

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9278 of 2022

Arising Out of PS. Case No.-653 Year-2021 Thana- MAHUA District- Vaishali

Dharambir Ram S/O Kamaleshwar Ram, R/o village- Mahua Singh Ray, P.S.-
Mahua, District- Vaishali at Hajipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niranjan Parihar, Advocate
For the State	:	Mr. Santosh Kumar, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 653 of 2021 registered for
the alleged offences under Sections 376, 506 of the Indian Penal
Code.

As per prosecution case, the petitioner entered into
the house of the informant and finding her alone molested her
and committed rape with her after gagging her mouth.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case on account of



transaction of money. The informant has improvised the statement made before the police in her statement recorded under Section 164 of the Cr.P.C. before the learned Judicial Magistrate. The medical report does not support the prosecution case as no sexual assault was found to have taken place. No motile or non-motile spermatozoa was seen in pathological examination. Learned counsel further submits that the petitioner is in custody since 28.10.2021 and charge-sheet has been submitted.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of petitioner. Learned counsel for the informant submits that the witnesses examined during investigation have fully supported the prosecution case. The witnesses in paragraph Nos. 6 to 9 of the case diary have supported the prosecution case. These witnesses have specifically stated about the petitioner coming out of the room of the informant.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner, which appears to be grave and serious, I am not inclined to grant bail to the



petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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