

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9320 of 2022

Arising Out of PS. Case No.-47 Year-2019 Thana- MAHILA P.S. District- Kishanganj

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HARI MOHAN KUMAR S/o Late Jharu Lal Resident of Kurimani, P.S.-
Thakurganj, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-04-2022 Heard Mr. Dilip Kumar Singh, learned Advocate for
the petitioner and Mr. Jagdhar Prasad, learned APP.

The prayer for bail of the petitioner was earlier
rejected *vide* order dated 13.04.2021 passed in Cr. Misc. No.
34508 of 2020.

The petitioner is an accused in a case under Sections
341, 323, 313/511, 376, 504 and 34 of the Indian Penal Code.
He is in custody since 24.08.2020. The report from the court
below indicates that only one out of 10 prosecution witnesses
has been examined as yet.

Mr. Dilip Kumar Singh, learned Advocate for the
petitioner has further submitted that in her 164 Cr.P.C. statement
also, the victim has accepted the fact of the relationship between
her and the petitioner. He further submits that the victim is a



major and in that situation any sexual encounter would not have taken place without the consent of the prosecutrix.

Be that as it may, considering the nature of accusation against the petitioner, I am not inclined to release him during the pendency of trial.

Accordingly, the prayer for bail is rejected.

However, if there is no substantial progress in the trial within the next six months, it would be open for the petitioner to approach the trial court for grant of bail and in that event the trial court shall be under an obligation to record the reason for the tardy pace of trial.

(Ashutosh Kumar, J)

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