

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10311 of 2022

Arising Out of PS. Case No.-589 Year-2021 Thana- SHERGHATI District- Gaya

SINTU KUMAR, S/o Sri Badho Mahto, R/o village- Hardawan, P.S.- Dobhi,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Sherghati (Dobhi) P.S. Case No. 589 of 2021
registered for the alleged offences under Sections 341, 323, 373,
504 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner is the cousin
of the husband of the informant and allegation against him is
that finding informant alone, he put her down and committed
rape with her. Further allegation against the petitioner is that he
used to inappropriately grab the informant. The husband of the
informant has been staying at Mumbai.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The F.I.R. has been instituted after delay of five days of the occurrence and this creates doubt over the authenticity of the F.I.R. The petitioner and the informant sides are agnates and the land of the petitioner's father is adjacent to the husband of the informant and due to cutting of ridge, altercation took place between the parties and the prosecution side tried to grab the land of the petitioner. The statement recorded under Sections 161 and 164 Cr.P.C. are repetition of the statement made in the F.I.R. Charge sheet has been submitted in this case and the petitioner is in custody since 20.09.2021. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against this petitioner for committing rape with the informant and she has supported the allegation in her statement recorded under Section 164 Cr.P.C.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the serious and grave nature of allegation, I do not think it is a fit

case for grant of bail at this stage and hence, prayer of the
petitionerr for grant of bail is rejected.

The learned trial court is directed to expedite the trial
and conclude the same within nine months. However, if the trial
is not concluded within the stipulated period, the petitioner may
renew his prayer for bail.

(Arun Kumar Jha, J)

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