

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19072 of 2022**

Arising Out of PS. Case No.-466 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

RIYASAT ALI Son of Md. Munir Alarm Resident of Bhabhua, Ward No.14,
P.S.- Bhabhua, District- Kaimur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Kumar

For the Opposite Party/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 11-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Bhabhua
P.S. Case No. 466 of 2020 registered for the offence under
Sections 376(G) of the Indian Penal Code, Section 6 of POCSO
Act and Section 3(2)(v) of the SC/ST Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.07.2020.

The allegation against the petitioner is to commit gang
rape upon the informant/victim girl along with other co-accused
persons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the FIR and entire allegation is against co-accused, namely, Lav Patel @ Sheru @ Shahzad Alam, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 38452 of 2021 dated 09.12.2021. It is also submitted that medical report is not suggesting the allegation of rape. Learned counsel while concluding argument, fairly conceded that all the charge-sheeted witnesses have already examined.

Learned APP, while opposing the prayer of bail, submitted that the case of the petitioner is distinguished to that of Lav Patel @ Sheru @ Shahzad Alam, as present petitioner was identified in open Court, by victim, during the trial, as the same person who committed rape upon her. It is also submitted that trial is almost concluded and matter is listed for argument.

In view of the submissions, as made above, as petitioner duly identified during the trial by victim/informant coupled the fact that trial of this case is almost concluded, where matter is listed for argument, this court, at present is not inclined to grant bail to the petitioner.

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

Trial Court is directed to proceed with the matter, by



taking it on board, on daily basis, so as trial may conclude expeditiously, within two months from the date of receipt of this order.

Superintendent of Police, Kaimur, is directed to produced the charge-sheeted witnesses, if any left to examined, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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