

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31016 of 2022

Arising Out of PS. Case No.-398 Year-2021 Thana- NARHATT District- Nawada

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Rahul Kumar Choudhary S/O Umesh Choudhary, Resident Of Village - Bisar,
P.S. - Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Srivastav, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Narhat (Sitamarhi) P.S. Case No. 398 of 2021 lodged under
Sections 354(B), 376 and 511 of the I.P.C..

As per prosecution, the allegation made by the
informant that at night about 10.00 pm all of a sudden an
unknown person entered in her house, thereafter the said
unknown person forcefully took her in a room and started rape
with her. Upon her cry the family members gathered and the
said unknown person was caught on spot.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that there is love between the petitioner and the victim/informant and due to her call petitioner visited in her house but when family members have seen, the victim started crying in result the petitioner was apprehended by her family members and handed over the petitioner before police. He further submits that in the medical report the doctor has ascertained the age of victim/informant is 17 to 19 years. He further submits that it is neither a case under Section 376 of I.P.C. nor under Section 4 of POCSO Act. He further submits that charge sheet has already been filed in this case. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 17.12.2021.

Learned counsel for the State opposes the prayer for bail and submits that in the statement u/s 161 and 164 of Cr.P.C. the informant and the other witnesses have supported the contents of the F.I.R..

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. Accordingly, the bail petition of the petitioner is hereby rejected.

Upon specific query from the counsel for the petitioner

that whether charge has framed or not, counsel submits that as per his knowledge charge has not been framed in this case.

Trial Court is directed to expedite the trial within 4 months from today and if trial shall not be concluded within 4 months, the petitioner is at liberty to move for bail and the Trial Court is directed to release the petitioner on bail imposing its own conditions so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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