

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36121 of 2022**

Arising Out of PS. Case No.-223 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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Md Chaman Shaikh@ Chaman, Son of Shabbir Sheikh Resident of Village -
Shisho West, P.s.- Sadar (Mabbi OP), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with S.t. No.302/2021 arising out of Sadar (Mabbi O.P.) P.S.
Case No.223 of 2020 instituted under Section 376, 120(B) of the
Indian Penal Code.

The prosecution case, in short, is that on 30.05.2020
at 02:00 AM in night informant went outside her house to attend
the nature's call and when she was returning back, two boys
came. While one of them, Chaman gagged her mouth, took her
at vacant place near her house and committed rape with her,
another boy Afroz was watching as guard. Somehow she



managed to free herself from Chaman and started crying. On her cry, her agnates, Koyla Devi and Manoj Yadav came there and removed Chaman from her body. They tried to catch hold both the accuseds but they fled away.

In this case, the petitioner had earlier moved before this Court vide Cr. Misc. No.15997 of 2021 dated 23.09.2021 (Annexure-1 to the bail application), which was rejected by a co-ordinate Bench of this Court.

This is second attempt of the petitioner.

Considering the allegation that has come in the FIR, this Court is not inclined to grant him privilege of bail. However in view of the fact that he is in custody since 31.05.2020, the Trial court is directed to take into account the aforesaid fact and expedite the trial and conclude the same preferably within a period of nine months.

With the aforesaid observations, bail application is rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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