

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43605 of 2021**

Arising Out of PS. Case No.-245 Year-2020 Thana- BELAGANJ District- Gaya

=====

SUJEET KUMAR S/O SARYU YADAV R/O VILLAGE-DARIYAPUR, P.S-
BELAGANJ, DISTRICT-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 17-05-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

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

Petitioner, who is in custody since 18.01.2021, seeks
regular bail in connection with Belaganj P.S. Case No. 245 of
2020 registered for offences punishable under Sections 376 and
511 of the Indian Penal Code.

Prosecution story in brief is that the informant has
alleged that the petitioner had attempted to commit rape and on
making *hulla*, people came to the place of occurrence and the
petitioner managed to flee away.

Learned counsel appearing on behalf of the petitioner
submits that there is contradiction in the statement made under



Section 164 Cr.P.C. where the informant has stated in a planned manner that the petitioner had committed rape with her while the allegation made in the FIR is that the petitioner had only attempted to rape her. He further submits that the victim was medically examined and no injury could be found on the vital part of the body of the victim. Petitioner is the neighbour of the informant and due to enmity, he has been made accused on the basis of false accusation. He further submits that the statement made under Section 164 Cr.P.C. of the victim cannot be relied upon if the allegation made in the FIR is taken on its face, prima facie no case of rape is made out against the petitioner. Petitioner is a student, aged about 22 years.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the victim has made specific allegation against the petitioner that he had committed rape and there are materials which has come against the petitioner that on several instance, the petitioner was engaged in such illegal activity, therefore, it would not be proper for this Court to release the petitioner on bail.

Considering the above mentioned facts and circumstances of the case, the Court below is directed to pass a fresh order considering the age of the petitioner and the veracity



in the allegation made by the victim or the trial may be concluded well within a period of four months.

If no substantial progress takes place in conduct of trial, the petitioner, if so advised, may renew his prayer for bail after the aforesaid period.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

