

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46651 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Dina Mahaldar S/O Shivnath Mahaldar @ Shreenath Mahaldar R/O Village-
Harinkol Kamalpur, P.S-Pirpainty, District-Bhagalpur... .. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Adv
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with S.T. No.382 of 2021 arising out of Pirpainty P.S.Case No.28 of 2021 registered for the offence under Section 376 of IPC.

The prosecution case, in short, is that on 09.02.2021 at about 3.00 P.M. daughter of the informant, aged about 20 years, had gone to Mushahari Bahiyar for grazing goats in the mustard field. At about 4.00 PM while the informant was going to Mushahari Bahiyar, she heard cry of her daughter and on that she rushed near her, then saw that her daughter was being raped by her villager namely Dina Mahaldar. It is further alleged that seeing her, Dina Mahardar escaped from there leaving her



mentally retarded daughter who also speaks very less.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that in fact the father of the petitioner has filed a petition before the Sarpanch on 06.02.2021 against the informant so the informant has falsely been implicated in the present case.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that 161 Cr.P.C. statement of the victim has supported the case of the prosecution. He further submits that the medical examination of the victim also confirmed the allegation as alleged in the FIR and the report of the learned Trial Court reveals that the charges have been framed on 07.12.2021 itself and the case is fixed for evidence.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.T. No.382 of 2021 arising out of Pirpainty P.S.Case No.28 of 2021 pending in the court of learned Addl. Sessions Judge-I, Bhagalpur.

Prayer is refused.

However, the learned Trial Court is directed to



expedite the trial.

(Rajesh Kumar Verma, J)

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