

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41930 of 2022

Arising Out of PS. Case No.-242 Year-2019 Thana- PARIHAR District- Sitamarhi

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FEKAN RAI S/o Late ASharfi Rai R/o village- Rampur Mahuaain @
Mahuaba, Ward No. 01, P.S.- Parihar, District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

For the Informant : Mr. Pushpendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 14-12-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has renewed his prayer for grant of
regular bail in a case registered under sections 376 of the Indian
Penal Code.

As per allegation in the FIR, the petitioner is said to
have committed rape on the informant.

Learned counsel for the informant appears and has
produced a copy of the deposition of the informant / victim in
Sessions Trial no. 259 of 2022, from perusal of which it



transpires that in her deposition she has made direct allegations of rape against the petitioner.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 24.8.2021 (Annexure-1). It is further submitted by learned counsel that the allegations on the face of it are false and concocted and have been made because of the strained relationship between the parties, the petitioner being the 75 year old elder brother of the husband of the informant. It is submitted that the petitioner is in custody since 24.2.2020 and there is no chance of the trial concluding in the near future.

The application for bail is opposed by learned APP for the State and learned counsel for the informant .

Having heard learned counsel for the parties and taking into consideration, the contents of the deposition of the informant (PW-1) in the sessions trial in the learned trial court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

On inquiry, it is submitted by learned counsel for the informant that there are total of four chargesheet witnesses and that the informant will cooperate in the trial.

In view of the above facts, it is directed that the



learned trial court will expedite the trial and make all attempts to conclude the same at the earliest preferably within a period of four months from the date of communication of this order.

(Partha Sarthy, J)

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