

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53951 of 2021

Arising Out of PS. Case No.-325 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Sanjay Kumar, Son of Jay Narayan Shah Resident of Village- Bahilwara
Dhanushi, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-08-2022 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 Runni Saidpur P.S. Case No.325/2020 (Trial No.119/2020)
instituted under Section 341,342,354(B)/354(C)/34 of the Indian
Penal Code.

As per the allegation in the FIR, the petitioner use to
tease the victim girl and also had put her photo on the social
media to denigrate her in the society. The FIR registered by the
father of the informant further alleged that the accused has also
tried to kidnap his daughter but upon ‘hulla’, the villagers
assembled and he was caught and handed over the police.

In this case, case diary was called for on 11.04.2022



and the same has been received which includes the 164 Cr.P.C. statement of the victim girl in which she has alleged to have been repeatedly raped by this petitioner.

Learned counsel for the petitioner submits that not only there is discrepancies in the FIR vis-a-vis the statement made under Section 164 of the Cr.P.C., even the deposition of the victim girl in course of trial (which he has annexed as Annexure-2 to the bail application) shows that once again she has denied to have been raped by the petitioner herein. He as such submits that considering the aforesaid discrepancies, the petitioner deserves bail.

Learned APP submits that the victim girl is minor and the statement made under Section 164 of the Cr.P.C. matters inasmuch as she has made specific allegation of being repeatedly raped by the petitioner. He submits that since the Trial has already on, it will not be proper at this stage to grant bail to the petitioner.

Considering the rival submissions as also the fact that the Trial is on and the victim girl has already been examined on 10.03.2021, it will proper that the Trial is concluded in the matter as early as possible taking into account the fact that he is in custody since 17.03.2020 (as stated in para-18 of the bail



application). So far as the bail of the petitioner is concerned the same is rejected for the present.

Taking into account the fact that the petitioner has already spent two years in jail, the learned Trial court is directed to expedite the Trial and conclude the same preferably within a period of six months, failing which a report be submitted for the reasons in concluding the same.

(Rajiv Roy, J)

Prakash Narayan /-

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