

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58968 of 2021

Arising Out of PS. Case No.-172 Year-2021 Thana- MALSALAMI District- Patna

MANTU KUMAR Son of Jagdish Sah Resident of Village - Jamunapur, P.s.-
Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kritu Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner and Mr.
Upendra Kumar learned A.P.P. for the State.

The petitioner seeks bail in connection with Malslami
P.S. Case No. 172 of 2021 instituted for the offences under
Sections 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.04.2021 is a person with clean
antecedent, charges have been framed and trail has commenced
and the informant alleges that on 26.04.2021 at about 9 p.m.
while she was watching a Barat, the petitioner along with Rocky
Kumar caught her hand and took her to Mithakuan and
committed rape in turn.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated and the victim was in



love with Rocky Kumar and thus, on her own volition had gone with him and when the parent came to know about the same, the petitioner along with Rocky Kumar came to be implicated. It is further submitted that the medical report completely negates rape and record no external injury was found nor any injury was found on her private part which further shows that the petitioner was falsely implicated by the informant under parental pressure. Learned counsel for the petitioner fairly submits that out six witnesses four witness have been examined and only the Investigating Officer and the doctor remains to be examined.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner submits that since the trial has commenced and is near completion then the petitioner presently do not deserve bail.

At this stage, learned counsel for the petitioner seeks permission to withdraw the bail application.

Permission is accorded with a direction to the learned court below to ensure that the trial is completed expeditiously, preferably within a period of two months from the date of receipt of production of a copy of this order. Further, the Senior Superintendent of Police, Patna is directed to ensure that the



official witness must reach the learned court below as and when required, failing which, it would be presumed that for inaction on part of the police the trial is being delayed.

Let a copy of this order be sent to the office Senior Superintendent of Police, Patna.

Accordingly, the application is dismissed with the aforesaid observations/directions.

(Satyavrat Verma, J)

Jagdish/-

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