

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70238 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- SIMULTALLA District- Jamui

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DIWAKAR SAH @ BITTU SAH @ MD. REHAN Son of Bhwneshwar
Resident of Village- Bangama, P.S.- Simultala, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 28-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Simultala P.S. Case No. 04 of 2020, registered for the offences

punishable under Sections 341, 323, 337, 376, 379 of the Indian

Penal Code.

As per prosecution case, petitioner is alleged to

have asked to sit on motorcyle and snatched Rs. 1000/- and also

alleged to have committed rape with the informant.

Learned counsel for the petitioner submits that

petitioner is in custody since 23.01.2020 and bears criminal

antecedent of two. He further submits that the alleged



occurrence said to be committed in the broad day light at 2:00 P.M but there is not a single witness come forward to support the version of the informant. He also submits that evidence available on record does not support the accusation of petitioner. Petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner referring that there is specific accusation against the petitioner and same is corroborated and supported by statement of victim under Section 164.

As per lower court record, it indicates that at least 10 months will be taken to conclude the trial. It is also mentioned here that vide letter no. 106 dated 08.07.2022 and vide letter no. 112 dated 20.07.2022 the report has already been sent to this Court and now the matter is fixed for evidence.

Considering the facts and circumstances of the case, as well as specific accusation against the petitioner coupled with statement of victim under Section 164 and materials available on record, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial as early as possible, preferably within nine



months from the date of receipt of this order. If there is no substantial progress in proceeding of trial within stipulated period of time, petitioner may renew prayer of bail.

(Alok Kumar Pandey, J)

vashudha/-

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