

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8617 of 2023

Arising Out of PS. Case No.-52 Year-2020 Thana- MAHILA P.S District- Supaul

MD. AMJAD SON OF MD. YUNUS R/O VILLAGE- INDRAPUR, WARD
NO.11, P.S.- CHHATAPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitish Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mahila P.S.
Case No. 52 of 2020 dated 16.06.2020 registered for the offence
under Sections 341, 376 and 506 of the Indian Penal Code.

The petitioner is alleged to have committed rape
upon the informant after putting handkerchief in her mouth. She
also alleged that the petitioner has confined her in a room for
three days and continuously committed rape on the threat of life.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits



that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 03.06.2020 whereas the instant F.I.R. has been lodged on 08.06.2020 after more than five days without any explanation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.10.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 06.07.2023 which has been received and forms part of this application at Flag-B dated 11.07.2023. On perusal thereof, it would reveal that charge has been framed against the petitioner on 07.02.2022 and out of twelve charge sheet witnesses, four witnesses have been examined, cross examined and rest are yet to be examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 09.10.2021.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of commission of rape upon the informant leveled against the petitioner. He further submits that the received from the trial court suggest that there is substantial progress in the



trial of the case and the same is likely to be concluded soon.

Considering the facts and circumstances of the case and the present stage of the trial as reported by the trial court and also the direct allegation of commission of rape against the petitioner, who is the sole accused in this case, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial and try to conclude it at the earliest.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

