

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18212 of 2023

Arising Out of PS. Case No.-395 Year-2021 Thana- AMARPUR District- Banka

SHIBU DAS @ SHIVNANDAN DAS @ SHUBU DAS Son of Dipan Das
R/V- Bhaluhar, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi Wife of Dharmvir Das R/V- Bhaluhar, P.S.- Amarpur, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Prasad Singh No.2
For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-07-2023 Heard learned counsel for the petitioner and the State.

Prayer for bail of this petitioner was earlier rejected by this court vide order dated 21.04.2022 passed in Cr. Misc. No. 65005 of 2021.

It is submitted on behalf of the petitioner that place of occurrence as alleged in the FIR is completely falsified by the statement of victim recorded u/s 164 of the Cr. P. C. wherein she has stated that this petitioner committed rape outside her house. It is further submitted that no external or internal injury was found on the person of victim by the doctor and the doctor assessed her age to be 17 years.

Learned counsel for the State opposes the prayer for



bail and submits that after considering all the facts and submissions earlier the prayer for bail was rejected by this court. During the trial the victim in her deposition has clearly stated that this petitioner committed rape upon her. Moreover, the trial is going on and out of eight charge sheet witnesses four witnesses, including the informant and the victim have already been examined and the trial is on the verge of conclusion.

Considering the nature of accusation, gravity of the offence and progress of the trial, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, since the petitioner is in custody since 08.08.2021, the trial court is directed to conclude the trial as early as possible, preferably, within one year from the date of receipt/ production of a copy of this order.

(Prabhat Kumar Singh, J)

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