

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15400 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- MAHILA PS District- Khagaria

MANISH KUMAR S/O TAPESHWAR YADAV Resident of Village-
Madhupur, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Mahila P.S. Case No. 43 of 2022 instituted for the offence under
Sections 376, 506, 448, 452/34 of the Indian Penal Code.

As per allegation in the FIR, the informant who is
victim of this case alleged that while she sleeping in her house,
the petitioner came there and forcibly committed wrong with
her without her consent. After that the present case has been
registered.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. The informant
and the petitioner were next door neighbour and due to some
dispute, the petitioner has falsely been implicated in this case.



The informant is a married lady. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 4.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR upon whom the informant/victim has made direct allegation. The victim/informant supported the prosecution case in her statement recorded u/s 164 of the Cr.P.C. in which she stated that petitioner committed wrong with her while she was sleeping in her house. She further stated that earlier to the alleged occurrence, the petitioner was in practice to tease her. It is further submitted that witnesses of this case have also supported the prosecution.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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