

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24392 of 2023

Arising Out of PS. Case No.-42 Year-2014 Thana- MAHILA P.S. District- Samastipur

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ASHOK RAI SON OF GANGA RAI @ GANGA PRASAD RAY R/O
VILLAGE- SIMRI CHANDRASEN, P.S.- KHANPUR, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 24-08-2023 Heard the parties.

The petitioner is an accused in connection with Samastipur Mahila P.S. Case No. 42 of 2014 registered for the offences under sections 376(g) of the Indian Penal Code lodged on 22.10.2014 by the informant, Radha Kumari.

The FIR is of 2014. The allegation against the petitioner is that he alongwith named accused, committed gang rape with the lady and threatened her of dire consequences, if she discloses the occurrence to any person. Some time later, her mother with other persons came to the place of occurrence and only thereafter, she was able to return to her home. This followed a '*panchayati*' followed by the FIR.

Learned Counsel for the petitioner submits that some



of the accused persons faced trial and have got acquittal.

Learned APP for the State, on the other hand, submits that the occurrence is of 2014 and nine years later, despite he being the named accused, has chosen to walk into judicial custody. He as such, has opposed the prayer.

Considering the fact that the allegation against the petitioner was of gang rape against the informant, he evaded arrest for nine years and now has come forward on the ground that the others face trial and on that basis, he may be granted relief, this Court is afraid to grant him any relief. It would be appropriate that he face the trial which has already delayed due to his absence for last nine years.

The bail petition stands dismissed with a direction to the Trial Court to conclude the trial within a period of one year from today, as the matter is of 2014.

The bail application stands rejected.

(Rajiv Roy, J)

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