

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27650 of 2023

Arising Out of PS. Case No.-111 Year-2020 Thana- MAHILA P.S. District- Araria

Jamal @ Doma, Son of Mainuddin, Resident of Village-Jorganj, Police
Station-Janki Nagar, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2023 Heard Mr. Viveka Nandsingh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

This is the second attempt made by the petitioner seeking prayer for bail in connection with Araria Mahila P.S. Case No. 111 of 2020 registered for the offences punishable under Sections 366, 376(D), 341, 323, 307 and 506 of the Indian Penal Code.

Earlier the prayer of bail of the petitioner was rejected taking into account the statement of the victim recorded under Section 164 of the Cr.P.C., wherein, she has specifically stated about the complicity of the petitioner in commission of the rape upon her.

Learned counsel appearing on behalf of the petitioner



submits that despite specific direction of this Court dated 03.08.2022, to take all necessary and sincere steps to conclude the trial, as early as possible, till date not even a single witness has been examined and, as such, there is no likelihood of conclusion of trial in near future. He further submits that the petitioner is in custody since 24.12.2021 and, moreover, the false implication of the petitioner cannot be ruled out in view of the medical evidence as well as the contradictory statement of the victim.

On the other hand, learned APP for the State opposed the bail application and submits that prayer for bail of the petitioner has already been rejected on merit and there is no changed circumstances.

Regard being had to the submissions made on behalf of the parties and considering the fact that the prayer for bail of the petitioner has already been rejected on merit and there is no overwhelming/cogent circumstances warranting reconsideration for prayer of bail of the petitioner, hence the prayer of the petitioner is hereby rejected, however, taking into consideration the petitioner is in custody since 24.12.2021 and there is no progress in the trial, it is expected that the learned trial Court shall take all endeavors to conclude the trial as early as possible,



preferably within a period of six months.

Needless to say that the Superintendent of Police, Araria shall render all his assistance in production of the witness. The office is directed to send a copy of this order to the Superintendent of Police, Araria forthwith.

If there would not be any substantive progress in the trial, the petitioner would be at liberty to renew his prayer for bail after six months.

The prayer for bail of the petitioner stands rejected.

(Harish Kumar, J)

shivank/-

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

