

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42997 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAHILA P.S District- West Champaran

Sudarshan Sahni Son Of Khaderan Sahni R/O Village- Balwa @ Belwa, P.S.-
Pipra, District- East Champaran At Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44922 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAHILA P.S District- West Champaran

Nilesh Dubey Son Of Umesh Dubey R/O Village- Kalyanpur, P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18110 of 2023

In

CRIMINAL APPEAL (SJ) No.2595 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAHILA P.S District- West Champaran

Manoj Kumar Mukhiya Son Of Malakh Mukhiya Resident Of Village -
Harpurwa Kuri, Police Station - Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari Daughter of Jata Shankar Baitha Resident of village - Pokhra
Tola Lagunaha, Police Station - Chanpatia, District - West Champaran.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30494 of 2023

In

CRIMINAL APPEAL (SJ) No.2665 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAHILA P.S District- West Champaran



Ramlal Ram Son Of Fatinga Ram @ Fatima Ram Resident Of Village-Belwa,
Ps-Pipra, Dist-East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudiya Kumari Daughter Of Jatashanakr Baitha Resident Of Vill-Pikhra
Tola, Lagunaha, Ps-Chanpatiya, Dist-East Champaran, Motihari

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42997 of 2022)

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Sadanand Paswan

(In CRIMINAL MISCELLANEOUS No. 44922 of 2022)

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Sadanand Paswan

(In CRIMINAL MISCELLANEOUS No. 18110 of 2023)

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Usha Kumari 1

(In CRIMINAL MISCELLANEOUS No. 30494 of 2023)

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

12 28-08-2023 Heard learned counsel for the petitioners and
learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a
case registered for the offences punishable under
Sections 328, 379, 376, 376(D) of the Indian Penal
Code, Sections 4, 6 of the POCSO Act and Sections 3(1)
(w-ii), 2(v)(v-a) of the SC/ST Act.

It is alleged against the petitioners that they
committed rape upon the informant after consuming her



some intoxicating substance, who is minor aged about 16 years.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. As per the own averment of the victim, the occurrence was committed in broad day light and that too in a bus and she herself stated in the F.I.R that after regaining consciousness, she found herself nude and found the petitioners surrounding her. Hence, the victim herself might have not be in a position to tell who has committed rape upon her and only on the basis of suspicion, she has taken the names of the petitioners. It is further submitted that except oral allegation, there is no supporting evidence to show the complicity of the petitioners in the alleged crime. The petitioners are languishing in custody since 08.06.2022. A statement has been made in para 3 of the petition that petitioners



have no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioners and submitted that there is specific allegation against the petitioners that they committed rape upon the informant who is minor aged about 16 years. The victim in her 164 Cr.P.C statement has specifically alleged that Driver, Conductor, Khalashi and one person have committed rape upon her. The independent witnesses have also supported the case of the prosecution.

It appears that vide order dated 31.07.2023, a report with regard to the present stage of the trial was called for from the learned Court below. The report of learned Additional District & Sessions Judge-VI-cum-Special Judge POCSO, Bettiah dated 10.08.2023 suggests that trial shall be concluded within a period of nine months.



Considering the fact that there is specific accusation against the petitioners, this Court is not inclined to grant bail to the petitioners. The prayer for grant of bail to the petitioners stands rejected.

The Trial Court is directed to expedite the trial and conclude the same within stipulated period of time as mentioned in its report dated 10.08.2023.

(Sunil Kumar Panwar, J)

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