

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40256 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- MAHILA P.S. District- Rohtas

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RUPESH BHAGAT @ KUNDAN BHAGAT, Male, aged about 19 years,
S/O SATYENDRA BHAGAT R/O Village- Kaniari, PS. Dinara (Bhanas
O.P.), Dist. Rohtas. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 42 of 2022 dated 15.06.2022 registered
for the offence(s) punishable under Section(s) 366 A and 376 of
the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the same relief
was rejected by this Court vide order dated 22.03.2023 passed in
Cr. Misc. No.59288 of 2022 and now the petitioner has come
again for the same relief by filing the instant petition.

4. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has been
languishing in jail since 06.08.2022 and seven prosecution
witnesses have been examined, petitioner is a young educated
person and making preparation for competitive examination and



the informant made false allegation in the FIR and the doctor concerned who examined the victim girl did not find any sign of rape.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. The instant matter relates to rape allegedly committed by this petitioner with a minor girl and the victim supported the allegation in her statement recorded under Section 164 Cr.P.C. and as per the report of Trial Court, seven prosecution witnesses have been examined and the petitioner's case is running for awaiting the FSL report which shows petitioner's case being on final stage. In these circumstances, it will not be proper to enlarge the petitioner on bail at this stage. Accordingly, his second bail prayer stands rejected.

7. However, the Trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next four months. If the trial of the petitioner is not concluded within the said period then he may renew his bail prayer.

(Shailendra Singh, J)

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