

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44437 of 2023

Arising Out of PS. Case No.-130 Year-2022 Thana- SOHSARAI District- Nalanda

RAHUL KUMAR SON OF LATE LAXMAN SINGH RESIDENT OF
MOHALLA- KHAJPURA, PS- HAWAI ADDA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 01-08-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection
with Sohsarai P.S. Case No.130 of 2022 dated 17.05.2022
registered for the offence/s punishable under Section/s 341, 323,
498(A), 354(C)(D), 376(D), 504 and 506 of the Indian Penal
Code and Section/s 67(B) and (D) of the I.T. Act.
3. As per the prosecution, the informant alleged
that this petitioner (husband of the informant) forced her to
establish sexual relation with the co-accused persons namely
Pawan Kumar and Rohit Kumar thereafter the said co-accused
persons forcibly raped the informant simultaneously and
videographed the occurrence and also threatened her of dire
consequences.



4. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has been languishing in jail since 09.11.2022, the allegations levelled against this petitioner in the FIR are totally unbelievable, in fact the informant herself is a lady of loose character and in her statement recorded under Section 164 Cr.P.C., she has revealed a different story and the FIR was lodged 17 days after the alleged occurrence.

5. Learned APP appearing for the State vehemently opposed the bail prayer and submitted that there is serious allegation against this petitioner.

6. Heard both the sides and perused the FIR. As per the allegation, the instant matter not only relates to cruelty allegedly committed by this petitioner with the informant who happens to be his wife but also relates to rape committed by the petitioner's friends in the presence of this petitioner. Considering the seriousness of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

7. The trial Court is directed to expedite the trial of the petitioner, if petitioner's trial has started and take



steps to conclude the same in the next one year. If significant progress is not made in his trial then he may renew his bail prayer after the said one year and he may also renew his bail prayer after the examination of victim in his trial.

(Shailendra Singh, J)

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