

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43007 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- LALGANJ District- Vaishali

Kleshar Bhagat @ Kaleshwar Bhagat Son of Late Shambhu Bhagat Resident
Of Village- Sirsa Virna, Ps- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-09-2023 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Lalganj
P.S. Case No. 97 of 2023, registered for the offences punishable
under Sections 376 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that on 01.03.2023, the Petitioner is alleged to have committed
rape upon the daughter of the informant, who is a mentally
retarded girl.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the Petitioner is a 74 years old man
and he is next door neighbour of the informant and there is
rivalry/enmity between the accused and the informant.



5. He further submits that the petitioner has been languishing in jail since 03.03.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that this is a case of ravishment of a mentally retarded girl. The averment made in the FIR is very natural and the allegation is also supported by medical report.

9. Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail at this stage.

10. The petition is dismissed accordingly.

11. However, Ld. Trial Court is directed to expedite the trial and in case the trial is not concluded within nine months, the petitioner will be at liberty to renew his prayer for bail.

12. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified



copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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