

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42965 of 2022

Arising Out of PS. Case No.-98 Year-2017 Thana- KHIRI MORE District- Patna

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SUNIL KUMAR @ SUNIL YADAV Son of Sri Bhuneshwar Yadav Resident
of Village - Rampur Nagwan, P.s.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijaya Laxmi Srivastwa

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with B.P. No.
371 of 2022 arising out of Khiri More P.S. Case No. 98 of 2017
registered for the offences punishable under Sections 363, 365,
376(G) of IPC.

As per prosecution case, there is allegation against
petitioner and others to commit rape upon the victim who happens to
be informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.01.2022 and bears no criminal
antecedent. He further submits that petitioner is quiet innocent and
committed no offence as alleged in the FIR. He further submits that



statement of victim recorded under 164 of Cr.P.C. is contradictory from the FIR. He further submits that there is delay of seven days in lodging the FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation of committing rape against the petitioner and same is reiterated in restatement of informant(victim).

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order. If trial is not concluded within the stipulated period of time, petitioner may renew his prayer of bail.

(Alok Kumar Pandey, J)

vashudha/-

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