

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53655 of 2023

Arising Out of PS. Case No.-21 Year-2015 Thana- MAHILA P.S. District- Patna

SOMNATH SHARMA @ SHOBHNATH SHARMA SON OF LATE JAI
NANDAN SINGH R/O VILL RAUNIYAN PO KARAI PS NAUBATPUR
DIST PATNA Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mahila P.S. Case No. 21 of 2015 registered under Sections 376 and 312 of the Indian Penal Code lodged on 24.06.2015 by the informant, Chandrawati Kumari.

As per the prosecution story, the girl, who is the informant, alleged that she used to do household work in the house of the petitioner and later, he forced him upon her, raped her and further threatened that if the same is disclosed, she will be killed. Further allegation is that she at that time had become pregnant. This led to the lodging of the FIR.

Learned counsel for the petitioner submits that during the investigation, the pregnancy was not found positive, the police investigated the matter submitted, final form and six



years later, the Court concerned chose to take cognizance in a routine manner. He is 71 years old and as such, that part be considered.

Learned APP, on the other hand, submits that from the FIR as also the statement made by the girl, it is clear that the petitioner forced him upon her, raped her and this continued and she was further threatened of dire consequences. He thus submits that the learned Magistrate has rightly taken cognizance in the matter.

Considering the fact that the matter is of the year 2015, kind of allegation that has come against the petitioner, alleged by the minor girl which she subsequently supported, this Court is not inclined to extend the privilege of bail, which is accordingly rejected.

In view of the fact that the petitioner is in custody since 19.06.2023 and the matter is of 2015, the trial Court is directed to expedite the trial and conclude the same within a period of nine months from today.

(Rajiv Roy, J)

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