

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54871 of 2023**

Arising Out of PS. Case No.-223 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

MD. CHAMAU SHAIKH @ CHAMAN @ CHAMAN SEKH SON OF
SHABIR SHEIKH RESIDENT OF VILLAGE -SHISHO WEST, PS-
SADAR (MOBBI OP.), DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 22-09-2023 Heard Mr. Vinay Kumar Mishra, learned Counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP for
the State.

2. The petitioner is in custody in connection with
Sadar (Mobbi O.P.) P.S. Case No. 223 of 2020 for the offence
under Sections 376 and 120(B) of the Indian Penal Code lodged
on 30.05.2020 by the informant, Manjula Devi.

3. The prosecution case, in short, is that on
30.05.2020 at 02:00 AM in night informant went outside her
house to attend the nature's call and when she was returning
back, two boys came. While one of them, Chaman gagged her
mouth, took her at vacant place near her house and committed
rape with her, another boy Afroz was watching as guard.
Somehow she managed to free herself from Chaman and started



crying. On her cry, her agnates, Koyla Devi and Manoj Yadav came there and removed Chaman from her body. They tried to catch hold both the accuseds but they fled away. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected on 19.09.2022 in Cr. Misc. No. 36121 of 2022.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 917 dated 04.09.2023 according to which, the informant has already been examined and the Senior Superintendent of Police has been directed to bring the rest of the witnesses.

6. In that view of the matter and considering the kind of allegation that has come against the petitioner, this Court is not inclined to extend him privilege of bail for the present, which is accordingly rejected.

7. The Trial Court must ensure that the trial is concluded within a period of next six months.

(Rajiv Roy, J)

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