

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73085 of 2023

Arising Out of PS. Case No.-10 Year-2021 Thana- MAHILA P.S District- West Champaran

VIRENDRA KUMAR @ BIRENDRA KUMAR son of Dhruv Sagar Prasad
@ Dhup Sagar Prasad Mahato @ Dhup Sagar Mahto village- Patkhauli PS-
Sanichari Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Devi wife of Virendra Prasad R/o Village- Arnahwa PO-
Chanaybandh PS- Majhauilya Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has renewed his prayer for bail in
connection with Bettiah Mahila P.S. Case no.10 of 2021
registered under sections 376, 354B, 379, 420, 406, 341, 323
and 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
earlier prayer for bail of the petitioner was rejected vide order
dated 23.12.2022 passed in Cr. Misc. no.17493 of 2022
directing the learned trial Court to expedite the trial. In spite of
the petitioner being in custody since 24.12.2021 and cooperating
in the trial, there is no chance of the trial concluding in the near



future for the reason that as per instructions received, nine witnesses still remain to be examined. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for grant of bail. On merits, it is submitted that the prosecution has no case and there is no chance of conviction of the petitioner. As such, he be enlarged on bail.

4. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the victim-informant has been examined and she has supported the prosecution case. Out of the 17 witnesses in the chargesheet, as per instructions received, 10 witnesses have been examined and 4 witnesses remain to be produced by the informant. The remaining 3 witnesses are investigating officer/police officials.

5. A report was called for from the learned trial Court. From the report received contained in letter dated 22.11.2023, 8 out of the 17 chargesheet witnesses have been examined and processes have been issued for appearance of the remaining witnesses.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the



petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. On a query by this Court, learned counsel for the informant submits that so far as the remaining four witnesses on her behalf are concerned, the informant is ready to produce them on a day to day basis. Let the same be so produced before the learned trial Court.

8. So far as the three investigating officer/police officials are concerned, the Superintendent of Police, West Champaran shall ensure their appearance in the learned trial Court within a period of three months from today.

9. Let the trial be concluded within a period of six months from the date of receipt of a copy of this order.

10. Let a copy of the same be sent to the Superintendent of Police, West Champaran for its due compliance.

(Partha Sarthy, J)

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