

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64020 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- MAHILA P.S. District- Patna

NISHANT KUMAR @ NISHANT RAJ S/O Ram Ranjan @ Ram Ranjan
Kumar R/O Village- Vrindavan Colony, Road No- 1E, Valmi, P.S-
Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhinay Raj

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 22-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 811 of 2021 arising out of Phulwari Sharif
Mahila P.S. Case No. 61 of 2021 registered for the offence
punishable under Section 376(D) of the Indian Penal Code.

As per prosecution case, there is accusation against
the petitioner to commit rape upon the informant.

Earlier prayer for bail of the petitioner was rejected
on merit on 23.08.2022 vide Cr. Misc. No. 57772 of 2021 and
the present petition has been filed for grant of bail to the
petitioner. A report regarding present stage of trial was called for
by this court. The learned trial court vide its letter no. 331 dated
17.12.2022 reported that presently the case is posted for
prosecution evidence. It has further been reported that out of six



charge sheeted witnesses, two witnesses have been examined and remaining four witnesses are yet to be examined.

Learned counsel for the petitioner submits that petitioner is in custody since 17.06.2021 and up till now only two prosecution witnesses have been examined.

The learned A.P.P. for the State as well as learned counsel for the informant opposed the prayer for bail of the petitioner submitting that trial is running on the evidence of prosecution.

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, if trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew prayer of bail before the learned trial court itself.

(Alok Kumar Pandey, J)

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