

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1102 of 2023
In
CRIMINAL MISCELLANEOUS No.50613 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- JURAWANPUR District- Vaishali

Chandeshwar Ray Son of Late Vasudeo Ray Resident of village - Shimra,
P.S.- Mahnar, District - Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dineshwar Mishra, Advocate
For the Respondent/s : Mr.Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

10 20-04-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 15.03.2022 passed by learned Special Judge, SC/ST Vaishali at Hajipur whereby the prayer for bail of the appellant in connection with Jurawanur P.S. Case No. 25 of 2021 under Sections 341, 324, 307, 379, 376 of the Indian



Penal Code and Sections 3(i)(w)(i)(ii)/3(2)(Va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that when the informant was coming to Hajipur, she got down at Lawapur Chowk where this appellant came and took her to Sheonagar to attend *Yagya* and *Ramleela* and thereafter, he took out *Fasuli* from his bike and raped her. It is further alleged that he gave blow of *Fasuli* on her neck and hand due to which she (informant) sustained injuries.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submitted that no occurrence as alleged in the FIR took place and the allegations levelled against the appellant are false and concocted. He further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has not whispered about the alleged offence under Section 376 of the IPC which raises doubt over the prosecution story. He further submitted that no offence under the provisions of SC/ST Act is also made out against him. The appellant is in custody since 06.04.2021 and has one criminal antecedent.

5. Learned Special P.P. for the State has opposed the prayer for grant of bail to the appellant. It is submitted by the



learned SPP for the State that the injury of the informant is found to be grievous in nature and, therefore, the appellant does not deserve the privilege of bail.

6. Pursuant to the order passed by this Court, the learned court below has sent its report dated 18.03.2024 stating therein that out of nine prosecution witnesses, eight prosecution witnesses have been examined and only one witness, namely Dr. Priyanka Rani is left to be examined. It is further reported that the case is likely to be concluded within a period of three months.

7. Having gone through the submissions canvassed by the learned counsel for the parties and the material placed on record coupled with the fact that the trial is at the stage of conclusion, this Court is not inclined to grant bail to the appellant.

8. Accordingly, the Appeal is dismissed with a direction to the learned trial court to expedite the trial and conclude the same expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order. However, if the trial is not concluded within the aforesaid period of three months, liberty is granted to the appellant to renew his prayer for bail before the concerned trial



Court and learned trial Court shall consider the same on merit
without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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