

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28619 of 2024

Arising Out of PS. Case No.-24 Year-2021 Thana- RAJEPUR District- East Champaran

Ram Ekbal Sahani Son of Late Jhapas Sahani Resident of Village- Nanhakar,
Nakardewa, P.S.- Rajepur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balgovind Sharma

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-07-2024 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 363, 366(A), 34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was
rejected vide order dated 21.06.2023 passed in Cr.
Misc. No. 71549 of 2022 with an observation to the Trial
Court to expedite the trial expeditiously.

It is alleged that petitioner kidnapped the minor
daughter of the informant and committed rape upon her.

It is submitted by learned counsel for the



petitioner that petitioner is innocent and he has falsely been implicated in this case since in the past, some dispute arose between the petitioner and the informant because the petitioner being P.D.S dealer had refused to give more foodgrains to the informant. The medical report completely negates the case of the prosecution. The petitioner is languishing in custody since 29.08.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is named in the F.I.R and the victim in her statement recorded under Section 164 Cr.P.C had clearly stated that this petitioner had committed rape upon her against her will. The victim is minor girl aged about 16 years and during investigation, the independent witnesses have supported the case of the prosecution.

In pursuance to the direction of this Court, a



report with regard to the present stage of the trial has been received which has been kept at Flag-S. The report of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran, Motihari dated 11.07.2024 suggests that trial is likely to be concluded within a period of nine months.

Considering the nature of accusation, this Court is not inclined to grant the privilege of bail to the petitioner at present. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest, preferably within a period of six months from today, failing which, the petitioner may renew his prayer for bail.

(Sunil Kumar Panwar, J)

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