

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27922 of 2024

Arising Out of PS. Case No.-385 Year-2023 Thana- CHHATAPUR District- Supaul

Vikash Kumar son of Ravindra Nishad Village- Bairiya Ps- Chhatapur
Rajeshwari OP Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-09-2024 Heard Mr. Pramod Mishra, learned Counsel for the

petitioner and Mr. Vinod Shanker Modi, learned APP for the

State.

2. The petitioner seeks bail, who is in custody since 03.11.2023, in connection with Sessions Trial No. 495 of 2023 arising out of Chhatapur P.S. Case No. 385 of 2023, FIR dated 03.11.2023 registered for the offence under Sections 341, 323 and 376 of the Indian Penal Code.

3. As per the prosecution story, the informant alleged that she was sleeping at her house with kids, the petitioner came and started committing rape upon her. Allegation against the petitioner is that from last seven months, on the pretext of marriage, he was sexually assaulted the informant. Upon *hulla*, locals gathered and caught hold of the



petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned Counsel for the petitioner submits that the victim was examined in the trial and she has not supported the case of prosecution but in her statement under Section 164 Cr.P.C., she supported the prosecution which reflect otherwise.

6. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement under Section 164 of the Cr.P.C. in which she has fully supported the prosecution and apart from that as per report of the learned Trial Court dated 09.09.2024, which suggests that out of eleven charge sheet witnesses, four witnesses have been examined and rest seven prosecution witnesses including the Doctor and Investigating Officer are yet to be examined in the present case.

7. In view of the allegation made in the F.I.R. as well as report of the Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 495 of



2023 arising out of Chhatapur P.S. Case No. 385 of 2023
pending in the court of learned Additional District and Sessions
Judge-I, Supaul.

8. Prayer is refused.

9. However, the learned trial Court is directed to
expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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