

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.394 of 2023

Arising Out of PS. Case No.-4 Year-2021 Thana- MAHILA PS District- Gopalganj

XXX S/o Rudal Ram R/o Village- Jigna Gopal, Tola- Kharnahi, P.S- Mirganj,
Distt.- Gopalganj, through his father and natural gardian Rudal Ram aged
about 58 years, Male, S/o Jugeshwar Ram, R/o Village- Jigna Gopal, Tola-
Kharnahi, P.S- Mirganj, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL REVISION No. 422 of 2023

Arising Out of PS. Case No.-4 Year-2021 Thana- MAHILA PS District- Gopalganj

XXX Son of Mahajan Ram Resident of Village- Jigna Gopal, Tola- Kharnahi,
PS- Mirganj, Dist- Gopalganj, through His Father and Natural Guardian
Mahajan Ram, aged about 39 Years, Male S/o Mohan Ram, Resident of
Village- Jigna Gopal, Tola- Kharnahi, District- Mirganj, Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL REVISION No. 394 of 2023)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Ms. Bharti Rai, Advocate
Mr. Raushan Raj, Advocate

For the Respondent/s : Mr. Syed Ehteshamuddin, APP

(In CRIMINAL REVISION No. 422 of 2023)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Respondent/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioners and learned
APPs for the State in both the cases.

2. By filing these two applications, the petitioners
have renewed their prayer for bail and setting aside of the order
passed by learned 1st Additional District and Sessions Judge,
Gopalganj in Cr. Appeal No. 26 of 2021 upholding the order



dated 26.07.2021 passed by learned Juvenile Justice Board, Gopalganj in J.E. No. 50 of 2021 arising out of Gopalganj Mahila P.S. Case No. 4 of 2021 registered for the offences punishable under Sections 341, 376D, 354C and 506 of the Indian Penal Code, Sections 4/6 of the Protection of Children from Sexual Offences (POCSO) Act and Sections 67, 67A and 67B of the Information Technology (I.T.) Act. The petitioners are in custody since 13.02.2021.

3. As per the prosecution story, on 31.01.2021 at about 4:15 am, while the informant was going towards railway line to ease out, these petitioners came from behind, pushed her on the ground and then committed rape upon her and also made video of the occurrence. It is further alleged that they threatened the informant not to disclose this occurrence to anyone and later on made the video viral.

4. Learned counsel for the petitioners submits that earlier this Court disposed of the revision applications preferred by the petitioners with a direction to the learned trial court to conclude the trial within a period of nine months from the date of communication of the order. This Court further observed that in case, the trial still remains unconcluded for no reason attributable to the petitioners, they may renew their prayer for



bail.

5. It is submitted that the trial has yet not been concluded, though two prosecution witnesses have been examined so far in this case but six witnesses are still there to be examined

6. Learned APPs for the State have opposed the prayer for setting aside of the impugned order and grant of bail to these petitioners. It is submitted that since two witnesses out of ten charge-sheet witnesses have already been examined and the trial is on way, if at all the prayer for bail of the petitioners is to be considered, it may be considered only on the basis of the materials which are available on the record at this stage. It is submitted that since the deposition of the witnesses, who have already been examined in course of trial, are not before this Court, it would only be just and proper that the petitioners may file a fresh application seeking bail in the trial court itself.

7. Having regard to the submissions noted hereinabove and upon consideration of the fact that two witnesses have already been examined in this case and their depositions are on the record of the learned trial court, this Court would agree with the submissions advanced on behalf of the State. These revision applications are being disposed of with



liberty to the petitioners to file fresh application seeking bail in the learned trial court. If such applications are preferred on behalf of the petitioners in the learned trial court, the same will be considered keeping in view the materials which have transpired in course of trial and an appropriate order shall be passed thereon.

8. This Court would make it clear that the learned trial court shall consider the prayer for bail of the petitioner without being prejudiced that this Court has not entertained the revision applications at this stage.

9. These applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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