

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71995 of 2023

Arising Out of PS. Case No.-90 Year-2020 Thana- GADHPURA District- Begusarai

SANTOSH DAS @ SANTOSH KUMAR S/O HARI NARAYAN DAS @
HARINARAYAN TANTI R/O VILLAGE- RANICHAK, P.S- GARHPURA,
DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-01-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Gadhpura PS case no. 90 of 2020, registered under Section 376 and other allied sections of the Indian Penal Code, inasmuch as earlier, the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 22.03.2022, passed in Cr. Misc. no. 65185 of 2021.
3. The allegation against the petitioner, as per first information report, is that he committed rape upon the informant while she was alone at her home along with her children as her husband had gone to Punjab for earning his livelihood.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and FIR has been lodged after 06 months of the alleged occurrence. He further submits that statement of three witnesses have been recorded, out of which, two witnesses have not supported the prosecution story, however the victim has supported the prosecution story.

5. Having regard to the facts and circumstances of the case, it appears that this Court had earlier rejected the bail application of the petitioner on merit vide order dated 22.03.2022. The Court, while rejecting the bail application of the petitioner earlier, also considered the arguments advanced on behalf of the petitioner regarding lodging of the F.I.R. after a lapse of 06 months as also the other submissions. This Court, vide order dated 24.11.2023, had called for a report regarding progress of the trial, in pursuance whereof, learned Additions Sessions Judge-I, Begusarai has submitted a report dated 05.12.2023, stating therein that three witnesses have already been examined and the prosecution has to examine two more witnesses. The trial court has given estimated time of 06 months for conclusion of the trial.

6. In view of the fact that bail application of the



petitioner was earlier rejected and further, the victim has supported the prosecution case and trial court has given the estimated time of six months for conclusion of trial, I am not inclined to grant regular bail to the petitioner at this stage, however, if the trial is not concluded within six months, the petitioner is at liberty to renew his prayer for bail.

7. The present petition stands disposed off on the aforesaid terms.

(Anil Kumar Sinha, J)

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