

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71585 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- DULHIN BAZAR District- Patna

Rakesh Kumar, Son of Parshuram Bhagat @ Pashuram Bhagat, R/o vill -
Pirhi, P.S. - Dulhin Bazar, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Adv.
For the State	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Jainendra Kr. Pushkar, Adv.
	:	Mr. Ram Binay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 19-01-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. Petitioner seeks regular bail in connection with
Dulhin Bazar P.S. Case No. 128 of 2022 dated 30.05.2022
registered for the offence(s) punishable under Section(s) 354,
376, 324, 307 and 506 read with Section 34 of the Indian
Penal Code and Section(s) 4 and 6 of the POCSO Act.
3. The main submissions advanced by learned
counsel for the petitioner are that this is second attempt of the
petitioner to get the relief of regular bail as his earlier bail
prayer was rejected by this Bench vide order dated
05.04.2023 passed in Cr. Misc. No. 53406/2022 and the



petitioner has again come before this court mainly on the ground that before the trial court, the prosecution's evidence was closed on 06.04.2023 but after four months, the prosecution filed a petition under Section 311 of Cr.P.C. for examination of a Doctor which shows the lingering attitude of the prosecution and the said Doctor's deposition's copy has been filed before this Court by way of supplementary affidavit which goes to show that the allegation made by the victim as to causing injury to her by this petitioner by using sharp cutting object does not get support from the medical evidence and the petitioner is a brilliant student and has been languishing in jail since 31.05.2022.

4. Learned APP appearing for the State has vehemently opposed the bail prayer of the petitioner and submits that the petitioner's case is running at final stage.

5. Heard both the sides. The report sent by the trial court regarding the status of the petitioner's trial goes to show that the petitioner's case is running for recording his statement under Section 313 of Cr.P.C. which shows that his case is running at final stage, hence at this stage, it will not be proper to enlarge the petitioner on bail. Accordingly, his bail prayer stands



rejected.

6. The trial court is directed to conclude the trial of the petitioner in the next three months from the date of this order without giving any unnecessary adjournment to both the parties.

(Shailendra Singh, J)

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