

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73968 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- MAHILA P.S. District- Samastipur

Subodh Kumar @ Subodh Paswan S/O Jhathu Paswan @ Zati Paswan
Resident Of Village-Murraha, P.S.-Hasanpur, District-Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeswari Singh, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 15-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with

Samastipur Mahila P.S. Case No. 21 of 2021 instituted for

the offences under Sections 376, 504, 506 of the Indian

Penal Code.

3. The accusation against the petitioner is of

committing rape upon the Informant/victim.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the

present case due to earlier dispute. He further submits that



the occurrence took place on 17.03.2021 but, the F.I.R. was lodged on 19.03.2021 without explaining for such delay which falsifies the prosecution case. The charge has been submitted on 26.04.2022. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 15.12.2021.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the victim in her statement made under Section 164 Cr.P.C. has admitted that the petitioner has committed her rape on the alleged night of the occurrence. In para-21, there is mention of medical report which also supports the prosecution case. Witnesses have also supported the occurrence in the case diary.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the nature of allegation which is serious, this Court is not inclined to grant bail to the petitioner at this stage.



7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of twelve months from today.

8. If the trial is not concluded within the aforesaid period of twelve months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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