

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73545 of 2023**

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA PS District- Aurangabad

Sagar Kumar Son of Gaya Singh R/O Vill.- Poldih, P.S.- Hussainabad, Distt.-  
Plamu (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. X

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jitendra Kumar Sagar  
For the Opposite Party/s : Mr.Manoj Kumar

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

ORAL ORDER

5      15-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Mahila  
P.S. Case No. 42 of 2023 instituted for the offences under  
Sections 376, 506 of the Indian Penal Code and Section 66(E),  
67(A), 67(B) of the I.T. Act.

3. The accusation against the petitioner is of  
committing forceful rape upon the victim girl.

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.  
He further submits that the Informant was acquainted with the



petitioner from before and on her own sweet will, she had come to the alleged Hotel. There was love affair between the parties. He has further submitted that the Informant was making pressure to marry with her but, on refusal, the present false case has been lodged against the petitioner. The date of occurrence was 27.06.2023 but, the F.I.R. was lodged on 29.08.2023 without reasonable explanation for such an inordinate delay which falsifies the prosecution case. The medical report also shows that no spermatozoa was found on the body of the victim girl. 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 30.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the allegation made against the petitioner is serious in nature and there is a direct allegation of rape against the petitioner which has been corroborated by the statement of the statements of the victim girl made under Sections 161 & 164 Cr.P.C. in which she has stated that the petitioner has forcibly established physical relationship with her. Several witnesses have also supported the prosecution case.

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 offence which is serious as also considering the materials available on record against the petitioner, 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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