

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79632 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- MANER District- Patna

Abhay Kumar Son of Arjun Prasad Resident of Village - Ahiiyapur, Gyaspur,
Police Station - Maner, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naushad Khan, S/o late Vashir Khan, R/o Village Ahiiyapur, P.S. Maner,
Dist. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Adv.
For the Opposite Party/s	:	Mr.Ram Sevak Choudhary, APP
For the Informant	:	Ms. Priyanka Kumari, Adv.

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

ORAL ORDER

4 18-04-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Maner P.S. Case No. 245 of 2023 corresponding to Special

Case No. 97 of 2023 instituted for the offences under

Sections 376, 354(C), 354(D) of the Indian Penal Code and

Section 3 & 4 of the POCSO Act.

3. As per prosecution case, the accusation against

the accused person/petitioner is of committing rape upon the

minor victim girl as also blackmailing her. It is also alleged



that the petitioner, after capturing the private photographs and videos, made the same viral on social media platforms.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to dirty village politics and the petitioner has been made victim of circumstance in this case. The petitioner and the victim girl are co-villagers and both are good friends. He further submits that the medical report does not support the prosecution case as no injury has been found on the person of the victim either internal or external part of her body. Charge-sheet has been submitted in this case. The petitioner is in custody since 30.03.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has committed serious offence of committing rape upon the victim girl who is a minor and has also made the private photographs and videos viral. Learned counsel for the State has further submitted that the statement of the victim girl made under Section 164



Cr.P.C. fully supports the prosecution case. He further points out that the Investigating Officer finding the case true has also submitted charge-sheet against the petitioner and, thus, the petitioner does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the rival submissions made by the parties as also the nature and gravity of the accusation coupled with the statement of the victim girl made under Section 164 Cr.P.C., 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 nine months from the date of receipt/production of a copy of this order.

8. If the trial is not concluded within the aforesaid period of nine 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.



9. The District Magistrate, Patna and the Superintendent of Police, Patna are also directed to ensure presence of the charge-sheet witnesses in time as and when required by the learned Trial Court so that the trial could be completed within the aforesaid time-frame.

Let a copy of this order be sent to the District Magistrate, Patna and the Superintendent of Police, Patna for strict compliance of this order.

(Rudra Prakash Mishra, J)

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