

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79120 of 2023

Arising Out of PS. Case No.-75 Year-2020 Thana- IMAMGANJ District- Gaya

SHANKAR BHARTI, Son of Krishna Bharti, Resident of Village- Kodwariya
Tand, P.S.- Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.194/2022, 295/2023 arising out of Imamganj P.S. Case no. 75 of 2020 registered under section 376 of the Indian Penal Code.

3. The earlier application for bail of the petitioner was rejected vide order dated 6.7.2021 (Annexure-1 series) passed in Cr. Misc. no. 6755 of 2021.

4. As per the prosecution case, the accused person is said to have raped the sister-in-law of the informant, who is deaf and dumb.

5. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case in course of investigation. The only material that the prosecution is



relying on against the petitioner is his confessional statement recorded before the police. Neither the petitioner has been put on T.I.Parade nor any independent witness has supported the allegations against him. The petitioner is in custody since 27.5.2020 and undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 22.12.2023, inspite of the directions of the learned trial Court, the witnesses are neither appearing nor are being produced by the prosecution. The report states that summons were issued to the charge-sheeted witnesses on 3.5.2023 followed by issuance ofailable warrant on 26.7.2023 and non-ailable warrant on 17.12.2023. However, no witness has been produced on behalf of the prosecution till the date of the report ie 22.12.2023.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner being in custody since 27.5.2020 and the contents of the report of the learned trial Court according to which no witness has been produced on behalf of the prosecution inspite of issuance of summons, aailable warrant and non-ailable



warrant, the petitioner is directed to be enlarged on bail in connection with Session Trial no.194/2022, 295/2023 (arising out of Imamganj P. S. Case no.75 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Sherghati, District-Gaya.

(Partha Sarthy, J)

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