

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82271 of 2023

Arising Out of PS. Case No.-84 Year-2021 Thana- NAUHATTA District- Saharsa

SANTOSH KUMAR YADAV @ SANTOSH KUMAR @ SANTOSH
YADAV SON OF RAM BAHADUR YADAV @ RAMAN RESIDENT OF
VILLAGE- SHAHPUR, POLICE STATION- NAUHATTA, DISTRICT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S.T.
No. 81 of 2022 (arising out of Nauhatta P.S. Case No. 84 of
2021) registered for the offences punishable under Sections 376,
313, 504, 506 of the Indian Penal Code and Sections 66(C),
66(D), 67, 67(D) of the Information Technology Act.

3. As per prosecution case, the petitioner committed
rape upon the victim and took her nude photos and also made
video. It is further alleged that the petitioner threatened the
victim to kill her and her brother and also threatened to make the
video viral, if she disclosed the same to anyone. It is further
alleged that the petitioner continued committing rape with the



victim and the victim got pregnant. It is further alleged that the petitioner forcibly aborted the victim and uploaded her video and photo on social media.

4. Learned counsel for the petitioner submits that earlier bail prayer of the petitioner has been rejected on merit by this Court vide order dated 10.01.2023 passed in Cr. Misc. No. 21488 of 2022 with an observation that if there is no substantial progress in trial within nine months from the date of receipt of said order, the petitioner may renew his prayer for bail. He further submits that nine months have already been elapsed after rejection of his previous bail prayer and only four witnesses have been examined as yet. He further submits that delay of trial is not in any way attributable to the petitioner as he is in custody since 01.07.2021. He further submits that petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and the same is supported by the statement of victim recorded under Section 164 of the Cr.P.C. but he fairly conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if there is no substantial



progress in trial within nine months from the date of receipt of said order, the petitioner may renew his prayer for bail.

6. Vide order dated 22.12.2023 a report has been sought by this court and in pursuance of the said direction, the trial court vide letter no. 92/2024 dated 06.01.2024 has sent its report and also sought six months time to conclude the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of trial court, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner is hereby rejected.

8. However, the trial court is directed to conclude the trial within three months from the date of receipt/production of copy of this order, by putting the same on day to day basis. If trial is not concluded within the stipulated period of three months, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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