

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40712 of 2025

Arising Out of PS. Case No.-69 Year-2024 Thana- DANDKHORA District- Katihar

Shankar Mistri @ Shankar Kumar Sharma S/O Sitaram Mistri R/O Tikaili,
PS- Dandkhora, Distt- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Malti Kumari D/O Jivan Sharma R/O Rampara, PS- Dandkhora, Distt-
Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. Bimal Kumar, Advocate

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

ORAL ORDER

4 11-09-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Dandkhora P.S. Case No. 69 of 2024, instituted for the offences
punishable under Section 376(3) of the Indian Penal Code, read
with Sections 4 and 6 of the POCSO Act.

3. The prosecution case, in short, is that the petitioner
forcibly made physical relationship with the informant on
several occasion, later on the victim became pregnant and the
petitioner forcibly married her and after living together for few
days, the petitioner abandoned her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay in lodging the FIR. The informant herself is a major lady and is already married to one Raj Kumar at Gaighat, Patna and at present she has left her husband and lodged the present case falsely implicating the petitioner and other co-accused persons. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 22.08.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner is named in the FIR and there is specific allegation of rape against the petitioner. It is also submitted that the informant has supported the prosecution case in her statement recorded under Sections 161 and 164 of Cr.P.C. However, learned counsel for the informant submits that the trial is in progress and seven charge-sheeted witnesses have been examined in this case out of eight charge-sheeted witnesses and the trial is at the verge of conclusion. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence and present stage of the case, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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