

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60535 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- BIDUPUR District- Vaishali

Shivam Kumar @ Shivan Kumar Son of Mahesh Singh R/o Village-
Govindpur Bajitpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Senha Kumari D/o Sunil Kumar R/o Village- Gobindpur Bajidpur, P.S.-
Bidupur, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate
For the Opposite Party/s	:	Md. Shakir Ahmad, APP
For the Informant	:	Ms. Devika Rani, Advocate
		Mr. Javed Aslam, Advocate

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

ORAL ORDER

4 20-01-2025 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

Bidupur P.S. Case No. 278 of 2024, instituted for the offences

punishable under Sections 457, 376, 346 of the Indian Penal

Code, Section 8 and 4 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner

entered into the house of the informant and committed rape

upon her. It is further alleged that the petitioner threatened the

informant for dire consequences if she raises *hulla*.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner also submits that the informant had love affair with *bhanja* of the petitioner and when he came to know about the same then the petitioner and his family members protested then due to this reason the petitioner has been falsely implicated in this case. The petitioner is in custody since 03.06.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State further submits that the victim in her statement recorded under Section 164 Cr.P.C. has specifically alleged against the petitioner of committing rape upon her. Hence, the petitioner does not deserve the privilege of bail.

6. As per report of the learned Court below dated 23.12.2024, it transpires that the trial is likely to be concluded within nine months.

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



the petitioner.

8. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously. However, if the trial is not concluded within a period of nine months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

