

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76723 of 2024

Arising Out of PS. Case No.-43 Year-2008 Thana- MANPUR District- Nalanda

Pradeep Paswan S/O Karu Paswan R/O Village- Tetrama, P.S- Manpur,
District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Moin Khan R/O Village- Tetrama, P.S- Manpur, Distt.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 11-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Manpur P.S. Case No. 43 of 2008 registered for the offences

under Section 366(A) of the IPC and subsequently added

Section 376 of the IPC.

3. The petitioner is named in the F.I.R. and is in

custody since 24.07.2024.

4. The allegation against the petitioner is to commit

rape upon informant/victim along with other co-accused

persons, the age of victim at the time of occurrence was 15

years.

5. Learned counsel appearing on behalf of the

petitioner submitted that police after investigation exonerated



co-accused against whom similar allegation was raised through FIR by informant/victim. It is submitted that victim was in love affairs with petitioner and out of same she went with him, but as the victim is of different religion the present false case was lodged as relation between victim and petitioner was not approved by her parents. It is submitted that victim was examined before the learned Trial Court as P.W. 3 and did not supported the case of prosecution. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that victim categorically stated against this petitioner as to kidnap her at the point of pistol and, thereafter, committed rape upon her. It is submitted that testimony during the trial cannot be taken into consideration at this stage. It is further submitted that almost all prosecution witnesses were examined in this case and is only pending for examination of I.O. & doctor, which



may be examined very soon. While concluding his argument, learned APP submitted that occurrence is of year 2008 and petitioner remained absconder for long 16 years and he was arrested in connection with one Arms Act case from where he was remanded in the present case, considering aforesaid prayer of bail of petitioner shall not be entertained.

7. Considering the aforesaid factual submissions and by taking note of fact as petitioner was absconder for long 16 years, where progress of trial is satisfactory as only I.O. & doctor are pending to be examined, accordingly, the prayer for bail of the petitioner is rejected herewith for the present.

8. As petitioner is in custody since 24.07.2024, learned Trial Court is directed to conclude the trial, preferably, within a period of 04 (four) months from the date of receipt of this order, failing which petitioner may renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J.)

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