

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79663 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- PIRPAINTI District- Bhagalpur

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Amit Kumar Pandey @ Amit Kumar, aged about 26 years, Male, Son of
Prahlad Pandey, Resident of Village - Sundarchak, P.S. - Barahat Ishipur,
District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Pirpanti P.S. Case No.180 of 2023 registered for the offence
punishable under Sections 342, 509, 354(B) and 376/34 of the
Indian Penal Code.

3. Earlier the prayer for bail of this petitioner was
rejected by this Court passed in Cr. Misc. No. 62110 of 2023
vide order dated 04.04.2024.

4. As per the prosecution case, the petitioner is alleged
to have committed rape upon the informant.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. It is submitted that from



perusal of FIR, it appears that there is contradiction between FIR and statement under Section 161 and 164 of the Cr.P.C. It is submitted that the medical report of the informant also not supported the factum of rape. Petitioner is in custody since 18.06.2023.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR and also perused the impugned order dated 21.08.2023 passed by the learned Additional District and Sessions Judge-XIII, Bhagalpur and also peruse the report regarding the stage of trial from the Court of the learned District and Additional Sessions Judge-1st, Bhagalpur vide Letter No. 18 of 2025 dated 13.02.2025, it appears that this is the second attempt for regular bail of the petitioner and first bail petition has already been rejected by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 62110 of 2023. It also appears from perusal of the report of the learned District and Additional Sessions Judge-1st, Bhagalpur that informant and Investigating Officer is left to be examined and the trial may be concluded within three months, so considering all these aspects of this case that the trial is in advance stage, I am not inclined to grant bail to the petitioner, accordingly the prayer of bail of the petitioner stands rejected.



8. However, the learned trial Court is directed to conclude the trial within a period of three months as submitted in his report vide letter no. 18 of 2025 dated 13.02.2025 and the Superintendent of Police, Bhagalpur is also directed to produce the witnesses in this case to conclude the trial as early as possible and consult with the trial Court so that the trial may be concluded within the stipulated period and if the trial is not concluded within the stipulated period, then the petitioner may have liberty to renew his prayer for bail before the trial Court and the trial Court is directed to grant bail to the petitioner, if the petitioner co-operate in the trial.

(Ramesh Chand Malviya, J)

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