

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89979 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BANGAWON District- Saharsa

Sumit Kumar @ Sumit Yadav S/O Arun Yadav R/O Village- Patuaha, P.S-
Sadar, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP

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

ORAL ORDER

3 25-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sessions Case No. 64 of 2024 arising out of Bangaon P.S. Case No. 109 of 2023 instituted for the offences under Sections 341, 342, 323, 324, 325, 450, 307, 366, 376(D)/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is taking out the Informant on motorcycle and, thereafter, committing forceful rape upon her. It is also alleged that they also fired upon the Informant on the knee of her left leg.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the date of occurrence is 15.09.2023 at around 11.30 PM but, the fardebyan of the Informant was recorded after two days of the alleged occurrence i.e. on 17.09.2023 at 11.57 PM without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 341, 352, 324, 307, 376(D) of the I.P.C. and Section 27 of the Arms Act against the petitioner and the co-accused Rahul Sharma. He further submits that after framing of charge, seven prosecution witnesses have been examined out of which six witnesses have been declared hostile. The petitioner has no criminal antecedent and is languishing in judicial custody since 20.09.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that the Informant, in her re-statement contained in Para-04 of the case diary, has supported the prosecution case. The victim girl in her statement recorded under Section 164



Cr.P.C. has supported the allegations made in the F.I.R. The I.O. has submitted charge-sheet under Sections 341, 352, 324, 307, 376(D) of the I.P.C. and Section 27 of the Arms Act.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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