

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90367 of 2024

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

Rahul Sharma @ Rahul Kumar S/O Hareram Sharma R/O vill - Patuaha,
(ward no.- 4), P.S and Dist - saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi W/o- Paresh Sharma, R/o- Village- Adatola, Chainpur, Ward No.- 15, P.S.- Bangauon, , Dist.- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

4 25-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

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

3. The prosecution case, in short, is that, the petitioner along with other co-accused persons took out the informant on a motorcycle and, thereafter, committed forceful rape upon her. It is also alleged that they also fired upon the informant on her left knee.



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. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is delay of two days in lodging the FIR. The petitioner has neither committed rape upon the informant nor fired upon her. It is further submitted that after framing of charge, seven prosecution witnesses have been examined out of which six have been declared hostile. The petitioner is in custody since 20.09.2023 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 submitted that the offence alleged is serious in nature. He also submitted that the informant, in her re-statement contained in paragraph no. 04 of the case diary, has supported the prosecution case. The victim girl in her statement recorded under Section 164 of Cr.P.C. has supported the allegations made in the FIR.

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



7. The prayer is rejected. The trial Court is directed to expedite the Trial and conclude the same preferably within a period of two months. However, if the trial is not concluded within a period of two 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)

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