

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39705 of 2017

Arising Out of PS.Case No. -117 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Seikh Aslam S/o Sk. Sher Ahmad @ Sk. Bhola Resident of village-
Panchrukha, Sundarpur, P.S.- Banjariya, Dist.- East Champaran, Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 21-08-2017 Heard the learned counsel for the petitioner and APP
for the State.

The petitioner seeks bail in connection with Sugauli
P.S. Case no. 117 of 2016 registered under Sections 341, 342,
377 and 506 of the Indian Penal Code.

The petitioner is said to have committed sodomy
against the son of the informant by taking in the graveyard and
also threatened him with dire consequences in case of making
complaint against him.

It is submitted by the learned counsel for the petitioner
that the offence is of 08.04.2016, but the F.I.R has been lodged
after inordinate and abnormal delay on 28.05.2016 and the



statement of victim under Section 164 of the Cr.P.C. was also recorded after two months which creates serious doubt about the prosecution case. The petitioner has been languishing in custody since 20.05.2017. As the petitioner is a private teacher and has good reputation in the society, the informant has filed this false and frivolous case against him in order to tarnish his image.

As there is direct allegation of sodomizing the son of the informant against the petitioner and victim in his statement under Section 164 of the Cr.P.C has supported the aforesaid occurrence. I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer is rejected.

However, the petitioner may renew his prayer for bail after six months, if the trial is not concluded with the said period.

(Prakash Chandra Jaiswal, J)

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