

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52123 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -MAHILA P.S. District- NAWADA pending in
the Court of Special Judge, Nawada (POCSO Case No.23 of 2016)

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1. Md. Ajmal Hussain son of Md. Azhar Ali, resident of Village -
Gondapur, Police Station - Nawada, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf, Advocate

For the Opposite Party/s : Md. Ashlam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 15-03-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner is languishing in custody for the
offences punishable under Sections 376/511 of the Indian Penal
Code and Section 4 of the POCSO Act.

According to First Information Report the
petitioner, who was teacher of the school allegedly sexually
assaulted to the informant, who was a student thereat.

Learned counsel for the petitioner submits that in
the statement under Section 164 Cr.P.C. the informant has levelled
allegation against teacher Afjal and during investigation it came
that petitioner was not a teacher in the school and for trivial
dispute regarding allowing or not allowing the female members of



the muslim community to offer Nawaz, the present false case has been lodged.

The case-diary would reveal that the police has found that Md. Ajmal son of Md. Azhar resident of village Gondapur, P.S. Nawada, District- Nawada, as mentioned in the F.I.R., was not a teacher in the school. However, the police has not investigated as to who was the real teacher. Moreover, the name Afjal appearing in the 164 statement may be a slip of tongue for the informant, unless there is definite evidence that Md. Afzal is not the same person. Petitioner is in custody since 19.09.2016.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail for the present. The prayer for bail of the petitioner is refused. The learned Court-below is directed to expedite the trial. If the trial is not concluded within nine months from the date of receipt of a copy of this order, the petitioner may renew the prayer for bail.

Mkr./-

(Birendra Kumar, J)

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