

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15780 of 2018

Arising Out of PS. Case No.-631 Year-2017 Thana- PHULWARI District- Patna

MD. SHAMIM @ ASLAM @ MD. ASHLAM S/o Late Md. Reyaz, R/o
Mohalla- Ishapur, P.S.- Phulwari Sharif, District- Patna ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Fakhruddin Ali Ahmad, Adv.
For the Opposite Party : Mr. RAJESH KUMAR, APP 48

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor.

This is a petition for grant of regular bail in connection with Special POCSO Case No. 154 of 2017 (arising out of Phulwarisharif P.S. Case No. 631 of 2017) for offences under Sections 376 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act.

Allegation, in brief, is that when the prosecutrix, a 12 years old child, went to attend the call of nature, the petitioner raped her. It has been submitted that the petitioner is a sixty years old man and the medical report indicates absence of spermatozoa.

The learned counsel for the State submits that there is specific allegation against the petitioner and no spermatozoa can be found as the girl was examined approximately after two days.



Having considered the facts and circumstances, the
prayer for bail of the petitioner is rejected.

The trial Court is directed to expedite the trial and
preferably conclude it within a year.

(Arun Kumar, J)

Shamshad/-

U			
---	--	--	--

