

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12598 of 2018

Arising Out of PS. Case No.-117 Year-2016 Thana- SUGAULI District- East Champaran

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioner and
learned 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 learned counsel for the
petitioner that there is abnormal and inordinate delay in lodging
the FIR and the statement of victim under Section 164 of the
Cr.P.C. was also recorded after two months of the occurrence
which creates serious doubt about the prosecution case. The



petitioner happens to be private teacher and has good reputation in the society. The informant has filed this false and frivolous case against him in order to malign his image in society. The petitioner has been languishing in custody since 20.05.2017. Earlier, the bail prayer of this petitioner was rejected by this Court vide order dated 21.08.2017 with liberty to renew his prayer for bail after six months, if trial is not concluded within the stipulated period. But the case has yet not been committed.

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

From perusal of record, it appears that the case has not yet been committed to the court of session, hence, learned lower court is directed to commit the case forthwith to the court of session and, thereafter, trial court to dispose of the case within six months positively, from the date of commitment of the case.

(Prakash Chandra Jaiswal, J)

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