

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16233 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -MAHILA P.S. District- SARAN

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Nasir Miyan @ Md. Nasir Miyan @ Md. Nasir, son of Sarfuddin Ansari,
resident of Village- Karn Kudariya, P.S. Mashrakh, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Saran Mahila (Mahila)
P.S. Case No. 31 of 2017 registered under Section 376/34 of the
Indian Penal Code and Sections 3 and 4 of the POCSO Act.

Petitioner along with other accused persons are said
to have lifted the minor daughter of the informant under the
influence of some intoxicating substance and took her to isolated
place where one of the co-accused namely Sonu Raja committed
rape against her while the petitioner and others stood on guard.

It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has no occurrence with the
aforesaid occurrence. He has been falsely implicated in the case



merely because the informant had caught Sonu Raja in compromising position with her daughter and the petitioner and others had managed to get the aforesaid accused set free. There is no allegation of sexual assault against the petitioner. Doctor has not found any sort of injury on the person of the victim. Petitioner is a student and has been languishing in custody since 17.01.2018.

On the other hand, learned APP vehemently opposing the bail petition submitted that the petitioner has committed gang rape against the minor daughter of the informant lifting her from her house in the night by administering some intoxicating substance. Hence, he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case.

(Prakash Chandra Jaiswal, J)

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