

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5633 of 2019

Arising Out of PS. Case No.-649 Year-2018 Thana- NARPATGANJ District- Araria

SHABBAN @ MD. SABBAN, Son of Md. Majebul, Resident of village -
Khaira Gadhiya, Ward No. 08, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
For the Informant	:	Mr. Rajesh Kumar Singh, Advocate
		Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s	:	Smt. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376, 341, 323, 504/34 of the Indian Penal Code, Section 4 of the POCSO Act and Section 3(2)(v) of the SC/ST Act.

According to FIR, the petitioner allegedly ravished to the daughter of the informant. The victim-girl has also supported the allegation in her statement under Section 164 Cr.P.C.

Learned counsel for the petitioner submits that there is delay of five days in lodging of the FIR. The Doctor has not found any recent sign of sexual assault. In fact, the witnesses examined before the police have stated that the matter is of love



affairs and on refusal of marriage, false case has been lodged.

The victim-girl has disclosed her age as 16 years whereas the Doctor has assessed her dental age about 17 years and final conclusion is that the victim is in between 18-19 years.

Considering the fact that the victim cannot be disbelieved at this stage only for the aforesaid inconsistency in the medical report, I am not inclined to enlarge the petitioner on bail in connection with Spl. (POCSO) Case No. 53 of 2018 arising out of Narpatganj Police Station Case No. 649 of 2018 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge, Araria/successor Court.

Hence, prayer for bail is refused.

Learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of a copy of this order, failing which the petitioner would be at liberty to renew his prayer for bail before the learned court below itself.

(Birendra Kumar, J)

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