

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69603 of 2019

Arising Out of PS. Case No.-1154 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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SHEIKH MIRAJ @ MANGNU S/O Sheikh Feku Resident of Village- Ward
No.- 7, Parora, Police Station- Cheriya Bariyarpur, District- Begsuarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheikh Lal Mohammad @ Mallahu S/O Late Sheikh Abdul Rahman R/O
Village- Parora, Police Station- Cheriabariarpur, Distt.- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 22.08.2019 in
connection with Complaint Case No. 1154C/2013 for the
alleged offences under Sections 376, 498A and 500 of the Indian
Penal Code.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of land dispute between the parties
and Title Suit No. 234 of 2012 is also going on. There is delay
in filing of the complaint on 04.06.2013 for the alleged
occurrence of 26.05.2013. The complaint has been lodged under
Sections 376, 498A and 500 IPC, but cognizance has been taken
only under Section 354 IPC. There is no medical report of
examination of the so-called victim girl. The petitioner claims
clean antecedents.

4. Learned counsel for the complainant appears and



opposes the bail petition. It is submitted that the petitioner has committed the offences alleged upon the complainant's six-year-old daughter and as such, cognizance ought to have been taken also under the POCSO Act. He also invites reference to the certified copy of the order dated 22.08.2019 passed on surrender-cum-bail petition by J.M. 1st Class, Begusarai, in which the learned J.M. 1st Class has taken note that summons, bailable warrant and non-bailable warrant were issued against the accused, who did not appear before the court and finally process under Section 82 Cr. P.C. had been issued. The petitioner appeared before the court four years thereafter. It is therefore submitted that the petitioner had remained absconder and there is direct allegation of having committed the offence against the six-year-old daughter of the complainant.

5. Having regard to the nature of accusations and gravity of the offence alleged, this Court is not inclined to grant privilege of bail to the petitioner. The bail petition stands dismissed.

(Vikash Jain, J)

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