

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2116 of 2019

Arising Out of PS. Case No.-117 Year-2018 Thana- AMAUR District- Purnia

Md. Azam, S/o Md. Kudrat @ Kudrat, Resident of Kola, P.S.- Amour, District
- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 01.09.2018 in connection with Amour P.S. Case No. 117 of 2018, registered for the offence under Sections 363, 366, 366A, 420, 376, 384, 506/34 of the Indian Penal Code and 4 POCSO Act, 2012.

Learned counsel appearing on behalf of the petitioner submits that he has been falsely implicated in the present case as they are close relatives. It is further submitted that the FIR has been lodged after delay of more than one month, therefore, he may extended the privilege of bail.

Learned counsel for the informant has however, filed counter affidavit in which he has brought on record the school certificate of the victim and also the statement recorded under



Section 164 Cr.P.C. annexed as Annexure C and A respectively. From perusal of the Annexure C, it appears that the date of birth of the victim girl recorded therein is 12.02.2002. In view of the fact that on the date of the occurrence the victim girl was a minor and from her statement under Section 164 Cr.P.C., clearly indicates that the petitioner has repeatedly indulged having sexual relationship with her against her will. The allegation levelled against the petitioner in the FIR appeared to be prima facie true.

In view of such facts and the statement made by the victim girl in her statement under Section 164 Cr.P.C., I am not inclined to grant regular bail to the petitioner. It is accordingly, dismissed.

However, the trial court is directed to expedite the trial as early as possible preferably within a period of six months.

(Anjana Mishra, J)

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