

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62542 of 2018

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

MD. NASIR MIYAN @ MD. NASIR @ NASIR MIYAN son of Sarfuddin
Ansari, Resident of Village-Karan Kudaria, Purab Tola, P.S.-Mashrakh, Distt.-
Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Sri Rajballabh Singh

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

ORAL ORDER

4 16-01-2019 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
guard.

It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has no concern with the



aforesaid occurrence. He has been falsely implicated in this case merely because the informant had caught Sonu Raja in compromising position with her daughter and the petitioner and others had extricated Sonu Raja. There is no allegation of sexual assault against the petitioner. Doctor has not found any sort of injury on the person of the victim. Earlier the bail prayer of the petitioner was rejected by this Court vide order dated 17.05.2018 directing the court below to dispose of this case within a period of nine months from the date of commitment of the case but up till now, out of six witnesses, only three witnesses have been examined and doctor and I.O. are still remained to be examined. Hence, the petitioner deserves bail.

On the other hand learned APP has submitted that petitioner has facilitated the commission of heinous offence and he has taken active part in the occurrence. Hence, he does not deserve bail.

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

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within four months from the date of receipt/production of a copy of this



order fixing the case on day to day basis and S.P. Saran is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Saran by fax for needful.

(Prakash Chandra Jaiswal, J)

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