

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4474 of 2020

Arising Out of PS. Case No.-540 Year-2019 Thana- MAJHAULIA District- West Champaran

SHAHBAZ ALAM Son of Shamshul Alam Resident of Village - Gurchurwa,
P.S.- Majhauria, Distt.- West Champaran.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate.
For the State	:	Ms. Anita Kumari, A.P.P.
For the Informant	:	Mr. Sanjeev Kumar Shrivastava, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 08-06-2020 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant through Video Conferencing.

The petitioner seeks bail in connection with Majhauria P.S. Case No.540 of 2019 registered under Section 376 of the Indian Penal Code and, later on, added Sections 4 and 8 of the POCSO Act, pending in the court of the 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran.

The accusation is that on 08.10.2019, the informant, aged about 14 years, was alone at her house as her mother had gone to the field for doing the work. At that time, her villager Shahbaz Alam (petitioner) came at her house and made query about her mother on which she replied that her mother had gone to the field for doing the work. Thereafter, the petitioner caught hold her forcibly



and committed rape on her. When the informant raised alarm, then her cousin Anwarul Haque came there and saw the occurrence but, at that time, the petitioner fled away from there giving threatening of dire consequences, in case of lodging the case. Thereafter, the informant narrated the incident to her mother, who went at the house of the petitioner, where the family members of the petitioner accepted the guilt of the petitioner giving assurance that the petitioner will not repeat the said offence in future. Regarding the said incident, the Panchayati was also arranged in the village but in the Panchayati, the family members of the petitioner started to abuse them saying that the father of the petitioner is police personnel. While the informant and her mother went to police station to lodge the case but, at that time, the father of the petitioner was present there and due fear, they did not go the police station. Thereafter, the informant gave an application to the Superintendent of Police, Bettiah, on 11.10.2019 and, accordingly, the present case was lodged.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner is the neighbour of the informant. In fact, the informant left her house due to her love affair with her cousin Anwarul Haque and the petitioner also helped the family members of the informant in tracing her but due to dirty village politics, the petitioner has falsely been implicated in this case. On medical examination of the informant, her age has been assessed as about 17 years and no sign of rape was found on her person.



Further submission is that the petitioner has no criminal antecedent and is in custody since 17.10.2019.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected. However, the 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran, is directed to conclude the trial of the petitioner within six months from today by taking all effective steps.

It is made clear that if the trial of the petitioner is not concluded within six months, the petitioner would be at liberty to renew his prayer for bail.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

