

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10981 of 2020

Arising Out of PS. Case No.-159 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Sahjada @ Sahzada Khan S/o Nasim Khan @ Nasim Resident of Village-
Badaki Sarimpur, P.S.- Buxar (Industrial Area), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-06-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Buxar (Industrial Area) P.S. Case No. 159 of 2018 registered for the offence under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the FIR, the petitioner is alleged to have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the application for bail of the petitioner was earlier rejected vide order dated 20.08.2019 passed in Cr. Misc. No. 26668 of 2019 (Annexure-2). It is further submitted that there is not much progress in the trial and in the present circumstances, there is no



chance of trial concluding in the near future. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated by the informant at the instigation of her grandfather as the parents of the petitioner refused to get the petitioner married to the informant. Petitioner is in custody since 28.01.2019. It is further submitted that as a result of severe beating, the father of the petitioner was first treated at the local level and thereafter, he was admitted in the P.M.C.H., Patna. Learned counsel for the petitioner further refers to the deposition of the grandfather of the victim in the trial, wherein he has stated that the fardbeyan was got written in the court premises.

The application for bail is opposed by learned APP for the State.

A report with respect to stage of the trial had been called for, and which has been sent as contained in letter no. 31 dated 25.02.2020 by the I/c A.D.J. 1st-cum-Special Judge, Buxar. As per the report four prosecution witnesses have been examined and non-bailable warrant has been issued against the remaining prosecution witnesses for their attendance.

Having heard learned counsel for the parties and taking into consideration the nature of allegations and the



examination of four prosecution witnesses, the court is not inclined to grant bail to the petitioner and, as such, the application for bail is rejected.

The court below is directed to expedite the trial.

(Partha Sarthy, J)

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