

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16291 of 2021**

Arising Out of PS. Case No.-19 Year-2019 Thana- KALER District- Jehanabad

Md Aftab Alam @ Zahir Khan, Son of Late Akhlaq Ahmed @ Lakho Khan,
Resident of Village - Kaler, P.S.- Kaler, Distt.- Arwal. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Veena Kumari Jaiswal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kaler P.S. Case No. 19 of 2019 registered for the offence punishable under Section 354 (C) of the Indian Penal Code, Section 12, 14 of the POCSO Act and Section 66 (C), 67, 67 (A) of the I.T. Act. He is in custody since 13.09.2019. The petitioner has otherwise no criminal antecedent.

As per the prosecution story, the victim girl had developed a friendship with the petitioner for few months and during the said period the petitioner had taken some photographs of her in his mobile. It is alleged that later on when the victim girl ended her relationship with the petitioner, the petitioner created a

fake face-book account in the name of some one else and from his mobile he posted some objectionable photographs of the victim girl which came to the notice of the elder brother of the victim and thereafter the present case was lodged. It is alleged that the petitioner had posted indecent photographs of the victim with vulgar contents on several groups on the mobile.

Learned counsel for the petitioner submits that the petitioner is not involved in the present offence and due to some mistake in identity of the accused, the petitioner has been falsely implicated in this case. It is his further submission that the petitioner has remained in jail in this case for over two years, therefore, considering that the chargesheet has been filed under Section 354 (C) of the Indian Penal Code and Section 12/14 of the POCSO Act as also under some of the provisions of the I.T. Act the petitioner may be enlarged on bail.

On the other hand, Ms. Veena Kumari Jaiswal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the learned Additional Sessions Judge-Ist has observed in the impugned order that in her 164 Cr.P.C. statement the victim girl has alleged that the petitioner had committed rape on her and had taken away in his house.

On query made by this Court, learned counsel for the petitioner has informed that the trial has begun in this matter, he

is, however, not sure as to how many witnesses has been examined so far.

Considering the facts and circumstances of the case, the seriousness of the allegations and that the trial has already begun, this Court is not inclined to release the petitioner on bail at this stage. Prayer for bail is, thus, refused.

Let the trial court proceed with the trial keeping the same on shorter dates and conclude it as early as possible preferably within a period of six months from the date of receipt/communication of a copy of this order. The prosecution must cooperate in early conclusion of the trial by producing all the witnesses on the date fixed in the matter.

If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.