

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17625 of 2021

Arising Out of PS. Case No.-610 Year-2020 Thana- AGAMKUAN District- Patna

SHAILESH KUMAR SINGH S/O LATE SURESH KUMAR SINGH R/O
MOHALLA-M.I.G., SECTOR-7, BLOCK-6, FLAT NO.20, BAHADURPUR
HOUSING COLONY, P.S-AGAMKUAN, DISTRICT-PATNA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-11-2021 Heard Sri Nagendra Kumar, learned counsel

appearing on behalf of petitioner and Sri Mukesh Kumar Singh,

learned A.P.P. appearing for the State.

The petitioner seeks bail in connection with Spl.
Case no. 167 of 2020, arising out of Agamkuan P.S. Case No.
610 of 2020, registered under Sections 341, 342 and 323 of
Indian Penal Code and Section 4 / 8 of the Protection of
Children from Sexual Offences Act, pending in the Court of
learned Addl. District & Sessions Judge-VII-cum- POCSO Act,
Patna.

The allegations made in the F.I.R., in brief, are
that the informant, who is mother of the informant, alleges that
on 14.09.2020 at 9.00 A.M. she saw, with her own eyes, that
the petitioner (Shailesh Kumar Singh) had penetrated his penis



in the mouth of her five years' old daughter by holding the body of her daughter. Seeing the said act of the accused/petitioner, she raised hulla and upon this the petitioner fled away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has no criminal antecedent and has not committed the offence as alleged in the F.I.R. He further submits that the informant is his neighbour and due to some enmity, he has been dragged into the false case without any rhyme or reason. He further submits that there is no medical report supporting the alleged occurrence. He further submits that taking into the period of incarceration also the petitioner was taken into judicial custody on 15.09.2020, the petitioner may be enlarged on bail.

Having considered the submissions made by learned counsel appearing on behalf of the petitioner and the statement made in the bail petition, the only defence taken by the petitioner is that in absence of Medical Report, it cannot be concluded that the petitioner was involved in the alleged offence. However, from perusal of the F.I.R., itself, the accused (Petitioner) was identified by mother of victim, who is five years old, in this view of the matter and the seriousness of the



allegation and taking into account the society in general and the modesty of the children at large, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner, above named, is rejected.

It is directed that the learned Court below should hold the trial expeditiously, preferably within a period nine months.

(Purnendu Singh, J)

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