

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16988 of 2020

Arising Out of PS. Case No.-133 Year-2018 Thana- BAIRIYA District- West Champaran

Aftab Alam @ Aftab Miyan S/o Jainul Miyan Resident of Village- Majhariya,
P.S.- Majhauria, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 05-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Section 376 of the Indian Penal Code and Section 8 of the POCSO Act in connection with Bairiya P.S. Case No. 133 of 2018.

Allegation against the petitioner is of commission of rape on a minor girl inducing her for marriage.

Learned counsel for the petitioner submits that the allegation is palpably false one. Just to pressurize for marriage the allegation was levelled. Thereafter, the victim got married with some other man that is why even after notice she had not appeared. Petitioner is in custody since 29.11.2019.

Since the victim was a dumb girl as well as a minor her statement under Section 164 Cr.P.C. could not be recorded by the



Magistrate. Since she was minor her consent or no consent was immaterial.

Considering the nature of material against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused.

The learned trial Court is directed to expedite the trial and conclude the same within nine months.

The Superintendent of Police, West Champaran, shall ensure production of the prosecution witnesses on each and every date of the trial, failing which explanation shall be submitted for non-compliance of the order of this Court.

(Birendra Kumar, J)

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