

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43762 of 2021

Arising Out of PS. Case No.-245 Year-2019 Thana- DALSINGHSARAI District- Samastipur

MD. AFROJ @ NANHE S/O YAKUB RESIDENT OF VILLAGE-
BALLOCHAK, WARD NO. 01, P.S.-DALSINGHSARAI, DISTRICT-
SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2021 Heard Mr. Shekhar Kumar Singh, learned counsel
for the petitioner and Mr. Anuj Kumar Srivastava, learned
Additional Public Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with Dalsinghsarai PS Case No. 245/2019 registered for the
offence punishable under Sections 376(A, B) of the IPC and
Section 6 of the POCSO Act, inasmuch as earlier bail
application of the petitioner was dismissed as withdrawn *vide*
order dated 15.01.2021 passed in Cr. Misc No. 32723/2020
(Annexure-1) with liberty to renew his prayer for bail after three
months.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and during
course of trial the victim has not supported the prosecution



story. Learned counsel further submits that parents of the victim have been examined by the prosecution but they have also not supported the prosecution story.

On the other hand, learned counsel for the State submits that the allegation against the petitioner is specific that the petitioner entered into the house of the victim in the night and committed rape upon her and just after lodging of the FIR, the statement of the victim under Section 164 CrPC was recorded in which she has supported the allegation.

This Court *vide* order dated 25.08.2021 had called for a report from learned Additional Sessions Judge-I-cum-Special Judge (POCSO Act), Dalsinghsarai regarding stage of trial and in pursuance thereof, the said report has been received which discloses that out of ten charge-sheet witnesses, six witnesses have been examined and rest four witnesses are to be examined and estimated time for conclusion of trial is given within three months.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that the report discloses that the trial is likely to be concluded in three months, I am not inclined to grant regular bail to the petitioner at this stage.



However, petitioner may renew his prayer for bail
after three months if the trial is not concluded.

(Anil Kumar Sinha, J)

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