

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32618 of 2020

Arising Out of PS. Case No.-08 Year-2020 Thana- AAJAM NAGAR District- Katihar

Tausif S/o Late Alal resident of Village- Jangipur, P.s.- Azamnagar, District-
Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad,Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar Singh,APP
For the Informant	:	Mr.Md.Musowir,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-01-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Shyam Kumar Singh, learned APP for the
State.

The petitioner in the present case is seeking regular bail in
connection with Azamnagar P.S. Case No. 08 of 2020 registered for
the offences punishable under Sections 341, 323, 376, 506 of the
Indian Penal Code and Section 4 of POCSO Act.

Learned counsel for the petitioner submits that the
informant in her written report alleged that the petitioner
continuously established sexual relationship with her on the pretext
of marriage and when she pressurized the petitioner for marriage she
was sexually assaulted by the petitioner and refused to marry.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the present
case. Learned counsel submits that the present case has been lodged



for taking illegal benefit of marriage. It is further submitted that as per allegation the informant had a love affair with the petitioner for which physical relationship was established. As per allegation the appears to be a consented party. The petitioner is in custody since 04.05.2020.

Learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the informant/victim girl is minor and the medical examination report is suggesting that she has been subjected to sexual intercourse, this Court is not inclined to grant privilege of regular bail to the petitioner. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

Trial Court shall proceed with the trial without granting long adjournments and conclude the trial as early as possible preferably within a period of six months. The prosecution shall cooperate in course of trial.

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'.

