

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36286 of 2020**

Arising Out of PS. Case No.-28 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

CHHOTU KUMAR Son of Sri Lal Bahadur Singh Resident of Village - Sirsa,
Kanwa Tola, P.S.- Muffasil Katihar, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mandal, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

4 07-07-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Muffasil P.S. Case No. 28 of 2019 G.R. No. 574 of 2019 registered for the offences punishable under Section 377 of the Indian Penal Code, Section 67 of the I.T. Act and Sections 4, 6 and 14(3) of the POCSO Act.

As per the prosecution story, the informant came to know through a viral video that this petitioner has indulged in unnatural intercourse with his brother and when the informant



inquired about this from his brother then his brother told him that on 24.01.2019, the petitioner and co-accused took him near Army Camp and had unnatural intercourse with him and made his video.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. It is further submitted that the informant is not the eye-witness of this alleged occurrence and has relied only on a fake viral video. Learned counsel submits that the petitioner is in custody since 07.02.2019 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the kind of heinous crime allegedly committed by this petitioner along with co-accused, the allegation being supported in the statement under Section 164 Cr.P.C. of the victim boy who is hardly aged about 10 years, this Court is not inclined to enlarge the petitioner on bail. His prayer for bail is thus refused.

Let the trial be expedited. Learned Special Judge, POCSO Court, Katihar is expected to proceed with the trial of this case as early as possible and conclude the trial preferably



within a period of six months from the date of start of normal functioning of the court.

The application stands disposed of.

(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'.

