

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37074 of 2020**

Arising Out of PS. Case No.-75 Year-2020 Thana- AAJAM NAGAR District- Katihar

Md. Manglu @ Md. Manmun, Son of Sadique, Resident of Sikhtiya (Garra),
P.S.- Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

4 26-05-2021 Heard Mr. Bhola Prasad, the learned Advocate for

the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with

Azamnagar P.S. Case No. 75 of 2020, instituted for the

offences under Section 376 of the Indian Penal Code and

Sections 4/6 of the Protection of Children from Sexual

Offences Act, 2012.

On 19.03.2021, this Court had called for a report

about the stage of the case from Court below.

Though the report is not available on the digital

platform, but the learned counsel for the petitioner submits

that he has been informed that there has been no progress



in the case before the Court below so far and the case has not even been committed to the Court of *Sessions* and the petitioner is in custody since 17.04.2020.

The accusation in the F.I.R. is that the victim was raped at two places.

The learned counsel for the petitioner, on merits, has submitted that the accusation does not appear to be correct as another friend of the victim has lodged a case against another person of having ravished/raped the victim. He has further submitted that there has been a four days delay in lodging the F.I.R. and the medical report though talks about the age of the victim between 16 to 17 years but her age has been assessed to be 18 years, thereby indicating that the offence under Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 is only an unnecessary addition in the case.

However, looking at the accusation in the F.I.R. and the attendant circumstances, I am not inclined to grant bail to the petitioner at this stage.

The prayer for grant of regular bail of the



petitioner is, accordingly, rejected.

However, taking into account the period of custody of the petitioner, it is directed that the trial be concluded within a period of nine months from today. In case, there is no substantial progress in the case within the next six months, it would be open for the petitioner to approach the Trial Court for grant of bail and in that event, the Trial Court would be required to state reasons for non-conclusion of the trial.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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