

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36288 of 2020**

Arising Out of PS. Case No.-177 Year-2020 Thana- ALAMGANJ District- Patna

MD. MUNNA @ MD. AMIR Son of Md. Amil @ Md. Amin Resident of
Vilalge- Belwarganj (Polo Hosptal Koyala Gali) P.S.- Alamganj, District-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

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

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

4 07-07-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking regular bail in
connection with Alamganj P.S Case No. 177 of 2020 registered for
the offences punishable under Sections 341, 254A, 504 and 506/34
of the Indian Penal Code and Section 8/12 of the POCSO Act.

Learned counsel for the petitioner submits that no
offence as alleged under the provisions of the POCSO Actis prima-
facie made out from the allegations mentioned in the F.I.R. It is
further submitted that the simple case of the informant is that of
eve-teasing of his daughter by this petitioner. The petitioner is said
to have been in custody since 27.05.2020.

Learned counsel submits that in the only case against



him as stated in paragraph '3', he is on bail.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that a perusal of the first information report would show as to how the minor girl aged about 15 years and her parents are being harassed by this petitioner who is neighbour of the victim girl. Learned APP for the State points out that earlier when this petitioner was found involved in eve-teasing of the minor daughter of the informant and threatening her to lift her, the mother of the victim girl had lodged a First Information Report being Alamganj P.S. Case No. 491 of 2018 for the offences alleged under Sections 447, 506, 504, 354A and 354 of the Indian Penal Code.

It is submitted that in the said case the petitioner has been granted bail and while enjoying the bail, the petitioner reached on the door of the informant on 04.03.2020 at 11:00 p.m. and started shouting the name of the victim saying that he will forcibly marry with her. The informant did not open the door, thereafter, on 05.03.2020 again at 3:00 p.m. the petitioner reached at the shop of the informant, abused him and threatened him. He was in the company of 4-5 persons.

Learned APP further submits that in the case diary the independent witnesses have supported the occurrence.

Considering the facts and circumstances of the case



wherein this Court has noticed that the victim girl is aged about 15 years and as per allegation she is being harassed for last four years, while enjoying the privilege of bail, the petitioner has indulged in causing harassment to the victim girl and her parents, in the circumstances, this Court takes a view that if released on bail at this stage the petitioner would indulge in threatening the victim girl and her parents, therefore, the prayer for bail of the petitioner is refused.

Let the trial be expedited. Learned Special Judge, POCSO Court, Patna is expected to proceed with the trial on day to day basis, record the statements of the victim girl and her parents at the earliest opportunity and conclude the trial preferably within a period of six months from the date of start of normal functioning of the Court.

If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

This 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'.

