

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4556 of 2021

Arising Out of PS. Case No.-31 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

Md. Jakir, aged about 36 years, (Male) son of Md. Orsid, Resident of village- Purvi Dharari, Police Station- Kharik, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Diwakar Upadhyaya, Advocate
For the State : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Naugachia Mahila Thana PS Case No.31 of 2019, instituted for the offence under Sections 498A, 366 and 376/34 of the Indian Penal Code and Section 4/12 of the POCSO Act.



The petitioner has been made accused by his wife of meting out torture and also that her husband has brought one minor girl with intention to marry her. She has also alleged assault at the hands of the husband and family members.

The learned counsel for the petitioner submits that the informant has compromised the case, as per the petition (Annexure-2) filed before the learned Court below i.e. the Court of Additional District and Sessions-cum-Special Judge, POCSO Act, Bhagalpur. It is further submitted that the petitioner has now remained in custody since 11.11.2019. The manner, in which, the compromise petition has been filed raises grave doubt on the prosecution case.

Earlier Case diary had been requisitioned in the instant Case.

The learned APP, representing the State, has opposed the prayer for bail. Referring to paragraph Nos. 62 and 65 of the case diary, the learned APP submits that the minor girl, whom the petitioner has allegedly brought, has been examined, wherein, she has stated about being misled and allured on the pretext of solemnizing marriage. The petitioner has also physically assaulted the informant (wife) repeatedly.

Considering the rival submissions, this Court, for the



present, is not inclined to extend the privilege of bail to the petitioner. Petition is rejected.

The learned Trial Court is directed to proceed with the trial expeditiously and without any undue delay or adjournments.

(Madhuresh Prasad, J)

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