

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2631 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- DULHIN BAZAR District- Patna

DURGA PASWAN Son of LATE SUMERA PASWAN Resident of Village -
Bhaga Bigha, P.S. - Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 30-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Special Case No.132 of 2020 arising out of Dulhin Bazar P.S. Case No.138 of 2020 registered for the offence punishable under Sections 376/377 of the Indian Penal Code and section 4 of the POCSO Act.

The prosecution case as alleged by the informant is that on 7.7.2020, she along with her husband had gone to her farm



and when she returned to her house, she found that her daughter aged 6 years was weeping and when she inquired about the same, her son disclosed that the petitioner picked her up and pushed his finger into her private part. It is further alleged that the victim also told the same story of fingering into her private part due to which she was feeling pain.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case with ulterior motive and grudge as per instance of her family members. The petitioner is an old man aged about 67 years and is next-door neighbour, between them there is land dispute and an altercation has taken place about 25 days ago of the alleged occurrence. It is further submitted that charge has been framed against the petitioner. The statement of the victim under section 164 of the Cr.P.C. has not been recorded and there is no medical examination report with regard to the alleged offence. The petitioner has no criminal antecedent and has been languishing in custody since 08.07.2020.

Learned APP for the State opposed the prayer for bail by submitting that the accused has committed aggravated sexual



offence with the victim being a minor girl of 6 years.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner.

Bail application of the petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial of the petitioner as expeditiously as possible, preferably within a period of six months, either after initiation of physical court and/or through virtual court proceedings.

(Anjani Kumar Sharan, J)

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