

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10682 of 2021**

Arising Out of PS. Case No.-61 Year-2020 Thana- BALIA BELON District- Katihar

Md Nadir @ Md Nadir Alam, Son Of Majuddin @ Md. Majuddin @ Bhelu
Village- Raiyanpur, P.S.- Balia- Belon, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr.Mr.Abhay Kumar No.1, APP

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

4 21-08-2021 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 Balia Belon P.S. Case No. 61 of 2020 vide G.R. Case No. 2758/2020 registered for the offences punishable under Section 341, 323, 376, 504/34 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act (in short the “POCSO Act”).

Learned counsel for the petitioner submits that as per the prosecution story this petitioner is said to have committed rape upon the informant on the point of knife. It is alleged that when the victim girl became pregnant because of the continuous physical relationship established by this petitioner, she informed the petitioner and asked him to solemnize marriage but

thereafter the petitioner and his family members did not agree. They promised that after the birth of the child the petitioner would marry, whereafter the victim girl gave birth to a child boy but the petitioner did not agree to marry her.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. The petitioner never committed rape on her nor he assured marriage with the victim girl. It is his submission that in the medical report she has been found major.

Before this Court, learned counsel submits that during pendency of the application, the trial has proceeded and the mother of the victim girl has been examined and some other P.Ws. have become hostile. The victim girl has, however, not been examined so far.

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

Considering the facts and circumstances of the case, the nature of allegations and the materials placed before this court as also that the trial is now going on, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial Court Court proceed with the trial on day to day basis and all endeavours be made to conclude the trial preferably within a period of six months. After examination of the victim girl in course of trial, the petitioner, if so advised, may renew his prayer for bail in the learned court below itself.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.