

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12956 of 2021**

Arising Out of PS. Case No.-123 Year-2020 Thana- DAGARUA District- Purnia

MD. SABIR ALAM @ SABIR ALAM SON OF MD SIKANDAR
RESIDENT OF VILLAGE- ALMA, P.S.- DAGARUA, DISTRICT-
PURNEA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amarnath Singh, Advocate Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

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

3 26-08-2021 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Dagarua P.S. Case No. 123 of 2020 registered for the offence under Section 366A/34 of the Indian Penal Code. He is in custody since 01.09.2020.

As per the prosecution story, this petitioner, who is aged about 25 years and was engaged in teaching this victim girl, allured her and in the name of dropping her to nearby market took her to Purnea from where she was taken to Delhi and then at Hyderabad, he was arrested with the victim girl.

Learned counsel for the petitioner submits that from the materials on the record it may be easily inferred that the

victim girl had gone on her own volition with this petitioner otherwise it was not possible for the petitioner to move freely with her from Purnea to Hyderabad.

Learned A.P.P. for the State has pointed out through the statements under Section 164 Cr.P.C. that this petitioner was teaching the victim girl who was aged about 15 years and in her medical examination she has been found 16-17 years. The victim girl was minor and in such circumstance the submission of learned counsel for the petitioner that she had accompanied the petitioner on her own volition does not inspire confidence.

Considering the facts and circumstances of the case wherein this Court has noticed from the materials on the record that the victim girl is a minor girl and this petitioner utilized his position as a teacher which is a position of trust in respect of his student, allured her, took her on his motorcycle in the name of dropping her to nearby market and then took her to Purnea from where she was taken to Delhi and Hyderabad, this Court is not inclined to enlarge the petitioner on bail at this stage..

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

Since the petitioner is in custody for about one year, the learned trial court is expected to take immediate steps

towards framing of charge and conclusion of trial within a reasonable time preferably within a period of nine months from the date of communication of this order.

The prosecution must cooperate in producing all the witnesses on the date fixed in the matter.

Despite this, if the trial is not concluded within a period of nine months as indicated above, for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.