

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8154 of 2022

Arising Out of PS. Case No.-44 Year-2019 Thana- PARSABAZAR District- Patna

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MOHAMMAD JABIR @ JAVED son of Fajul Rahman R/o Village -
Kamalpur, P.O. - Attaghat, P.S. - Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deep Shikha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Parsa Bazar P.S. Case No. 44 of 2019 registered for the alleged offences under Sections 376(A) of the Indian Penal Code and Sections 4/6/8 of POCSO Act and Sections 66C, 66D, 67 of the I.T. Act.

As per prosecution case, the petitioner trapped the minor daughter of the informant and established physical relationship by giving her 'Prasad' which was laced with intoxicant. He prepared photographs and video of the victim in



compromising position and started blackmailing her on threat of making photographs and video viral and he went on to make physical relationship with the daughter of the informant on number of occasions.

Learned counsel for the petitioner submits that the petitioner is innocent and it is a case of love affair between the daughter of the informant and the petitioner. Apparently the occurrence took place on 03.04.2018 and the FIR has been registered on 10.02.2019 which shows deliberation and after thought. There has been good relationship between the victim girl and the petitioner and when this relationship turned sour, she implicated this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 11.02.2019.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the case was registered under Sections 4, 6, and 8 of the POCSO Act and Section 376(A) of the Indian Penal Code. There is specific allegation against this petitioner. There is no delay in lodging the FIR as the informant registered the same on the date when his daughter told him about the misdeeds of the petitioner.

Having regard to the fact that the victim is a minor girl and there is specific allegation against this petitioner for the offence as mentioned in the FIR which are quite serious, I am



not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The Trial Court is directed to conclude the trial expeditiously preferably within a period of six months.

However, if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

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