

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10585 of 2022

Arising Out of PS. Case No.-29 Year-2018 Thana- INARWA District- West Champaran

ARFAT ALAM Son of Hakik Ansari @ Hakik Miyan Resident of Village -
Purainiya, P.s.- Mainatand, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ram Sumiran Rai

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 16-08-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant
of regular bail in a case registered u/s 376 and 120B of the
Indian Penal Code and section 6 of the POCSO Act.

As per the prosecution case, the petitioner is alleged
to have established physical relationship with the victim aged
about 14 years on the pretext of marriage.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. The petitioner has clean antecedent as stated in para 3 of



the bail petition. Learned Court below took cognizance against the petitioner u/s 376 and 120B of the Indian Penal Code and u/s 6 of POCSO Act without there being any cogent, sufficient and substantive material. The petitioner has further submitted that there was a love affair between the petitioner and the minor victim. The petitioner is languishing in jail custody since 03.02.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of establishing physical relationship with a minor girl and a *panchayati* was also held between the parties but the petitioner did not agree to marry the informant's daughter. Learned A.P.P. for the State has further submitted that the Hon'ble Supreme Court in the case of ***X (Minor) v. State of Jharkhand (Cri. Appeal No. 263 of 2022)***, has held that *“Once, prima facie, it appears from the material before the Court that the appellant was barely thirteen years of age on the date when the alleged offence took place, both the grounds, namely that “there was a love affair” between the appellant and the second respondent as well as the alleged refusal to marry, are circumstances which will have no bearing on the grant of bail. Having regard to the age of the prosecutrix and the nature and gravity of the crime, no case for the grant of bail was established.”*



Considering the aforesaid facts and circumstances,
as well as the specific and heinous nature of allegation against
the petitioner, I am not inclined to enlarge the petitioner on bail.
Therefore, the bail petition of the petitioner is rejected.

Learned trial Court is directed to expedite the trial and
conclude the same preferably within nine months.

This application is rejected.

(Chandra Prakash Singh, J)

shobhakri/-

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

