

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15045 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- PIPRAHI District- Sheohar

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Jalil Miyan @ Jalil Miya Son Of Marhum Ismail Miyan @ Ismail Miya R/O
Village- Dhankaul Ward No.-7, P.S.- Piprahi, District- Sheohar

... .. Petitioner/s

Vesus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mrs. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 08-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Piprahi
Police Station Case No. 237 of 2021, registered for the
offences punishable under Sections 323, 341, 354B, 504,
379 and 34 of the Indian Penal Code; Section 12 of the
POCSO Act; and Sections 3(i) (r), 3(i) (s), 3 (i) W (I) and
3(2) (va) of the SC/ST Act.



The prosecution case as emerges from the F.I.R. is that the sole accused having put the 5 years old girl child in his lap started showing indecent video and started doing indecent act by moving his hands under the pant of the girl child. On protest of the informant-grandfather of the victim girl, the accused-petitioner started abusing and assaulting the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no recovery of any smart mobile from the accused-petitioner. He also submits that the petitioner has falsely been implicated on account of political rivalry and he has been languishing in jail since 22.11.2021 i.e, about 10 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the in paragraph 3 of the petition that the petitioner has been involved in one more case, namely, Piprahi Police Station Case No. 27 of



2020.

However, the learned APP for the State as well as informant vehemently opposes the prayer for bail submitting that very indecent act has been committed by the accused against the victim, who is a five years old girl. The learned counsel for the informant further submits that Section 8 of POCSO is attracted as per which punishment has been prescribed for a term, which may not be less than 3 years but which may extend for 5 years. She also submits that charge-sheet has already been submitted against the petitioner finding the case true against him.

Considering the aforesaid facts and circumstances, particularly the nature of allegation and material on record, I am not persuaded to enlarge the petitioner on bail.

The prayer for bail is accordingly rejected.

However, the Trial Court is directed to expedite and conclude the trial within a period of six months.

In case, the trial is not concluded within six months, the petitioner is at liberty to renew his prayer for bail.



The bail petition is dismissed with the liberty aforesaid.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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