

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33628 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- AANDAR District- Siwan

CHHOTAK KUMAR MALLAH @ CHHOTAK KUMAR MALAH Son of
Suraj Mallah Resident of Village - Jamalpur, P.S.- Andar, District - Siwan
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 20-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 363,366(A)/376 of IPC and Sections 4/6
of POCSO Act.

Allegation against the petitioner is that he physically
exploited the victim girl of scheduled caste on the assurance of
marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent. He has falsely been implicated
in the present case. He further submits that it appears from the
FIR that the victim was missing since more than one month and
no FIR was registered by the parents. He further submits that in
fact the victim girl is major.

On the other hand, learned A.P.P. for the State, on the



basis of material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she supported the allegation as alleged in the FIR. He further submits that the medical report also confirms the allegation.

Vide order dated 09.03.2022, a report was called for with regard to the stage of the trial. Report reveals that two prosecution witnesses have been examined including the victim girl and the trial is going on.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Aandar P.S.Case No.18 of 2021 pending in the court of learned Additional District Judge-VI-cum-Special Judge, Siwan (POCSO).

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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