

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38520 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Md. Dulare @ Mohtaram Alam S/O Abdul Rahim @ Md. Rahim R/O Village-
Molvichak Nawada, Ward No. 08, P.S.- Dalsingsarai, District- Samastipur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amar Nath Jha, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rita Verma, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dalsinghsarai P.S. Case No. 67 of 2020 registered for the offences punishable under Sections 448, 341, 323, 354, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act. He has no criminal antecedent and is in custody since 10.12.2020.

As per the prosecution story, this petitioner and the co-accused Md. Shahadat had entered into the house of the informant on 01.02.2020 and they had been doing eve-teasing with the two daughters of the informant. They had also torn the



clothes of one of the daughters and after the said occurrence once again on 03.03.2020, they had indulged in causing assault on the informant's side, thereafter the present FIR was lodged.

Learned counsel submits that the informant and the petitioner are neighbours. Earlier the mother of this petitioner had made a complaint against the son of the informant but then that complaint was not registered as the parties entered into a settlement.

Learned counsel further submits that considering that the petitioner is in custody since 10.12.02020, he deserves privilege of bail.

On the other hand, Ms. Rita Verma, learned APP for the State submits that in this case the co-accused Md. Shahadat is still absconding, so far as this petitioner is concerned, the trial court has already proceeded against him, the victims have been examined in course of trial and the trial itself is likely to come to an end within a reasonable time, therefore, at this stage release of the petitioner may delay the conclusion of trial.

Having regard to the submissions, on finding that the trial has already proceeded, the two victims have been examined so far, their depositions are not before this Court, the trial itself is likely to be concluded within a reasonable time, therefore, this



Court is not inclined to release the petitioner on bail at this stage.

Let the trial be concluded as early as possible and preferably within a period of 6 months. If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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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'.

