

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37427 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- ADAPUR District- East Champaran

Afroj Alam Son Of Dara Alam @ Dara Miyan, R/O Village- Dhabdhabwa,
P.S.- Adapur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Adapur P.S. Case No. 110 of 2022 lodged under Sections 448
and 354(B) of the I.P.C. and Sections 8 and 12 of the Protection
of children from Sexual Offences Act.

As per prosecution case, the allegation against the
petitioner is that he naked the grand daughter of the informant
and tried to outrage her modesty, thereafter the accused was fled
away from the said place. It is due to this reason, this case has
been lodged under I.P.C. and POCSO Act.

Learned counsel for the petitioner submits that

antecedent of the petitioner is clean and he is in custody since 09.04.2022. Counsel further submits that after custody, the charge has been framed and the prosecution witnesses have already been examined but there is no cogent material has come against the petitioner. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the court.

Learned counsel for the State opposes the prayer for bail and submits that if prosecution witnesses have already completed his evidence then in that case the presence of accused is necessary for examination and thereafter if no defence witness shall be placed then conclusion of trial shall be made within couple of months.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, bail petition of the petitioner is hereby rejected.

According to Section 35(2) of the POCSO Act the Special Court has to complete the trial within the period of one year from the date of taking cognizance of the offence. The Trial Court is directed to complete the said trial within the statutory period and if the said trial was not be concluded with the said

statutory period then he shall be at liberty to move for bail before the Trial Court and the Trial Court shall release him on bail imposing appropriate condition.

Trial Court further directed that the said conditions mentioned above shall apply only when the accused was support in the trial. If the accused shall not support, the observation given in this order shall not be binding on him and he shall free to pass an appropriate order in accordance with law.

(Dr. Anshuman, J.)

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