

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59335 of 2021

Arising Out of PS. Case No.-90 Year-2019 Thana- AURAI District- Muzaffarpur

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ASHIN KHAN S/o MD. INRANA @ GONU KHAN R/o VILLAGE-BISTA,
BALBHADRAPUR, P.S-AURAI, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.II

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 13-10-2022 Let the defect(s), as pointed out by the office,

be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

POCSO G.R. No. 72/21 arising out of Aurai P.S. Case No.

90 of 2019 registered for the offences punishable under

Sections 363/366(A)/376/ 372 of the IPC and Sections 27 of

the Arms Act and 4 of the POCSO Act.

As per prosecution case, there is accusation

against the petitioner to commit rape with the informant on

gun point.

Learned counsel for the petitioner submits that



petitioner is in custody since 06.06.2021 and bears no criminal antecedent. He further submits that petitioner is quite innocent and has committed no offence as alleged. He further submits that petitioner is ready to marry with the informant.

The learned A.P.P. for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and the same is supported and corroborated by statement of victim recorded under Section 164 of the Cr.P.C.

The report of lower court vide letter no. 483 of 2022 dated 21.09.2022 shows that out of five charge-sheeted witnesses, three witness have already been examined and cross-examined by this Court and two witnesses are yet to be examined.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with statement of victim recorded under Section 164 of the Cr.P.C and material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the



prayer for bail of the petitioner stands rejected.

However, the trial court is directed to conclude the case expeditiously as only two witnesses have been left to be examined.

(Alok Kumar Pandey, J)

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