

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63617 of 2021

Arising Out of PS. Case No.-285 Year-2021 Thana- JOGAPATTI District- West Champaran

DARBESH MIYAN Son of Late Jalil Miyan Resident of Village - Bahuarwa,
P.S.- Sinachari, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 06-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Yogapatti Sanichari P.S. Case No. 285 of 2021, registered

for the offences punishable under Section 376 of the Indian

Penal Code and Section 4 and 6 of POCSO Act.

The prosecution case as emerging from the FIR is

that the sole accused-petitioner, finding the minor daughter

of the informant alone, enticed her to his room and

established illicit relationship with her.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case by the informant. He further submits that the petitioner has been arrested on account of local politics. He also submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed and trial is going on.

The petitioner has been languishing in jail since 30.06.2021.

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 in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the allegation is very serious in nature against innocent minor girl.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petition on bail at this stage.

The application stands rejected accordingly.



However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of six months, the petitioner is at liberty to renew his prayer for bail.

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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