

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66820 of 2021**

Arising Out of PS. Case No.-162 Year-2021 Thana- MAHUA District- Vaishali

MD. ALAM S/o Md. Akhtar R/o village- Rampur Singhara, P.S.- Mahua,
District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

6 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 162 of 2021, registered for the offences
punishable under Section 377 of the Indian Penal Code and
Section 4/8 of POCSO Act.

The prosecution case as emerging from the FIR is
that the petitioner along with his associates had committed
unnatural sex with a minor.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has been



languishing in jail since 18.09.2021 and though he has two criminal antecedents, he is on bail in both the cases. He also submits that as per case-dairy, place of occurrence is not certain. He further submits that the prosecution witnesses have already been examined and the case is posted for examination of defence witnesses.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail saying that the allegation of unnatural sex with a minor is fully supported by Injury Report of the victim.

Considering the aforesaid facts and circumstances, particularly the nature of the offence as well material in support thereof, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, the 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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