

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69385 of 2021**

Arising Out of PS. Case No.-12 Year-2018 Thana- HATHAURI District- Muzaffarpur

Appu Kumar Son of Anil Ram Resident of Village - Paramzeevar, P.S.-
Hathauri, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 28-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hathauri
P.S. Case No. 12 of 2018 registered for the offence under
Sections 377, 504 and 506 of the Indian Penal Code and under
Section 4 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.03.2021.

The allegation against the petitioner is to commit
carnal intercourse/penetrative sexual assault with the son of the
informant, aged about six (6) years, on pretext of giving money.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has falsely implicated in this case out of neighborhood dispute and differences. It is submitted that no injury was found during medical examination of the victim which may suggest in favour of allegation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim specifically alleged that unnatural sex was committed upon him by this petitioner, while recording his statement under Section 164 of the Cr.P.C.

In view of the facts and circumstances as mentioned above, as there is specific allegation to commit unnatural/carnal intercourse/penetrative sexual assault against this petitioner, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court/Special Court is directed to proceed with the matter, by taking it on board, on day-to-day basis, so as trial may conclude within specified time as



prescribed under Section 35(2) of the POCSO Act, 2012, if required. Failing which petitioner may renew his prayer of bail, if so advised.

The Senior Superintendent of Police, Muzaffarupr, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within specified time, as prescribed under the law, as mentioned above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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