

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70990 of 2021

Arising Out of PS. Case No.-303 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

Deo Kumar, Son of Garhan Paswan, Resident of village - Dharmapura, P.S.-
Ara Muffasil (Dobaha O.P.), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Ara Muffasil (Dobaha O.P.) P.S. Case No. 303
of 2021 registered for the alleged offences under Sections 341,
323, 377, 504, 506, 379 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner committed
unnatural offence with the minor son of the informant.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The instant case has been lodged to put pressure upon the
family members of the petitioner to leave the house in share of



the informant and this fact is even apparent from the FIR. It is admitted fact that the informant gave Rs. 20,000/- for construction of the house in her share. On instigation of her brother, she demanded the said amount from her father-in-law. When the father-in-law of the informant refused to return the money then on instigation of his brother, the informant lodged the instant case to put pressure upon her family members to return the amount. Learned counsel further submits that the alleged occurrence took place on 28.10.2021 at 8 PM but the FIR has been lodged after delay of two days and there is no explanation for the same. There is no medical report supporting the allegation of unnatural offence committed with the son of the informant. Learned counsel further submits that the petitioner is aged about 18 years and he is a daily wage worker. The petitioner is in custody since 01.11.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the witnesses in case diary have supported the prosecution case including the minor son of the informant whose statement was also recorded under Section 164 Cr.P.C. wherein he has specifically mentioned that the petitioner committed unnatural sex with him and stated about the petitioner committing the said



act with his sister earlier.

Perused the records.

Having regard to the facts and submissions made on behalf of the parties and considering the nature of allegation against the petitioner which is quite grave and serious, I am not inclined to grant bail to the petitioner. Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months.

If the trial is not concluded within a period of six months, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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