

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19332 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- BAGHA District- West Champaran

Kanhaiya Kushwaha @ Kanhaiya Kumar S/O Motilal Prasad @ Motilal Prasad Resident Of Village- Gandhinagar, P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Section 377 of the Indian Penal Code and Section 4 of the POCSO Act.

It is alleged against the petitioner that he committed unnatural offence against the son of the informant.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely



been implicated in this case. The petitioner and the informant are neighbours and in the background of some petty dispute, the accusation has been levelled against the petitioner. The petitioner is languishing in custody since 22.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he committed unnatural offence with the son of the informant. The victim in his 164 Cr.P.C statement has also corroborated the prosecution case and stated that this petitioner committed unnatural offence with him. The witnesses also supported the case of the prosecution.

Considering the fact that there is specific accusation against the petitioner to have committed unnatural offence with the son of the informant, this Court is not inclined to grant bail to the petitioner. The



prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial
and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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