

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44277 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

Anish Priyadarshi Son Of Late Shiv Shankar Prasad Singh R/O- Bath, P.O.-
Bath, P.S.- Bath, Distt.- Bhagalpur, Pin-813201

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Pd Singh No.1
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad
For the Informant	:	Ms. Preety Kunwar, Adv.
	:	Mr. Diwakar Upadhyaya, Adv.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 15 of 2022, registered for the offences
punishable under Sections 376, 328, 313, 504, 506 and 34
of the Indian Penal Code and Section 4 and 6 of the POCSO
Act.

The prosecution case as emerging from the FIR is
that the petitioner had established illicit relationship with the
informant after administering intoxicant in cold drink. It is
also alleged that the petitioner had taken some vulgar
photographs which was used to pressurize her for further



physical relationship. It is also alleged that the accused/petitioner had promised her to marry but later he refused to marry her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there was no relationship of the prosecutrix at all with the petitioner and the whole allegation is intended to pressurize the accused-petitioner for marriage because he is in Government Service. He also submits that there is inordinate delay in lodging the FIR because the alleged occurrence has taken place in the year 2016 and after six years the FIR has been lodged, which speaks for itself. He further submits that investigation in this case is complete and charge-sheet has already been submitted and trial has started and two witnesses including prosecutrix has already been examined .

He further submits that the petitioner has been languishing in jail since 01.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.



It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and the accused-petitioner had taken some photographs of the alleged occurrence and he was threatening to make it viral in case she does not oblige him for sexual favour and in course of the offence she has got even pregnant and he had promised to marry but now he is refusing to marry and hence she has lodged the present FIR. The prosecution case is supported by the witnesses so far examined during the trial.

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

This 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.

Ld. 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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