

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.44929 of 2022**

Arising Out of PS. Case No.-138 Year-2022 Thana- AAJAM NAGAR District- Katihar

Mahavir Singh @ Mahavir Kumar Singh Son Of Vishwanath Singh Resident  
Of Village - Mahaldar Tola, Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      10-01-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner has filed the instant application  
for grant of regular bail in a case registered for the  
offences punishable under Sections 376, 504, 506 of the  
Indian Penal Code and Section 4 of POCSO Act.

As per allegation in the FIR, petitioner told the  
minor victim girl to come to his house to take books and  
notes and when she came to his house, then petitioner  
gave her water to drink and after drinking such water  
she became unconscious, then petitioner made physical  
relationship with her and took her obscene photographs



and videos and threatened her to make physical relationship with him showing fear to make her future spoil by making obscene photographs and videos viral. It is alleged that in the month of March, petitioner forcibly made physical relationship with the victim girl and made her obscene photographs and video viral.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this. Petitioner is in judicial custody since 23.05.2022. It is also submitted that victim herself has not disclosed any specific date about the physical relation in her statement recorded under Section 161 of Cr.P.C. and later on she gave her Statement recorded under Section 164 and said about the specific date of the alleged occurrence.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that the victim has made direct allegation against the petitioner of commission of rape, in her



statement recorded under Section 164 of Cr.P.C. She has also asserted about the complicity of petitioner in threatening her and taking photographs and making video of the alleged occurrence.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same within a period of six months.

However, if the trial of the petitioner is not concluded within a period of six months, he would be at liberty to renew his prayer for bail.

**(Sunil Kumar Panwar, J)**

nirajkrs/-

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